

STARS

Florida Historical Quarterly

Volume 40
Issue 1 *Florida Historical Quarterly, Vol 40,*
Issue 1

Article 1

1961

Florida Historical Quarterly, Vol.40, Issue 1

Florida Historical Society
membership@myfloridahistory.org

Find similar works at: <https://stars.library.ucf.edu/fhq>
University of Central Florida Libraries <http://library.ucf.edu>

This Full Issue is brought to you for free and open access by STARS. It has been accepted for inclusion in Florida Historical Quarterly by an authorized editor of STARS. For more information, please contact STARS@ucf.edu.

Recommended Citation

Society, Florida Historical (1961) "Florida Historical Quarterly, Vol.40, Issue 1," *Florida Historical Quarterly*. Vol. 40 : Iss. 1 , Article 1.

Available at: <https://stars.library.ucf.edu/fhq/vol40/iss1/1>

The
Florida Historical
Quarterly

VOLUME XXXX

July 1961 - April 1962

Published by the

FLORIDA HISTORICAL SOCIETY

CONTENTS OF VOLUME XXXX

"American Loyalists in the Bahama Islands: Who They Were,"
by Thelma Peters, 226

Americans at War, by Williams, reviewed, 189

"Annual Meeting, West Palm Beach, April 7-9, 1961," 212

Arana, Luis Rafael, "The Day Governor Cabrera Left Florida,"
154

Archivo General de Indias de Sevilla. Guia del Visitante, by
Pena y Camara, reviewed, 85

"Armed Occupation Act of 1842," by James W. Covington, 41

Arnade, Charles W., "The Avero Story: An Early St. Augustine
Family with Many Daughters and Many Houses," 1; *The
Siege of St. Augustine in 1702*, reviewed, 277; book reviews
by, 85, 87, 391

"Avero Story: An Early St. Augustine Family with Many Daugh-
ters and Many Houses," by Charles W. Arnade, 1

Beiser, J. Ryan, book review by, 86

Beneficent Blaze: The Story of Major Lew D. Brown, by Zaiser,
reviewed, 86

Bentley, George R., book review by, 394

- Buttersworth, John K., *Mississippi in the Confederacy: As They Saw It*, reviewed, 284
- Billias, George A., *General John Glover and his Marblehead Mariners*, reviewed, 89
- Book Reviews, 82, 186, 275, 391
- Breeze, Lawrence E., book review by, 186
- Brown, Tom O., "Locating Seminole Indian War Forts," 310
- Brush, Jane D., "Tales of Old Florida," 300, 408
- Carter, Clarence E. (ed.), *Territorial Papers of the United States: The Territory of Florida*, Volume XXV, reviewed, 82
- "Celestial Railroad to Juno," by Nathan D. Shappee, 329
- Charles Sumner and the Coming of the Civil War*, by Donald, reviewed, 196
- Confederate Strategy from Shiloh to Vicksburg*, by Jones, reviewed, 186
- Contributors, 101, 216, 316, 426
- "Cotton Mill Campaign in Florida, 1828-1863," by Richard W. Griffin, 261
- Covington, James W., "The Armed Occupation Act of 1842," 41; *The British Meet the Seminoles*, reviewed, 391
- "Day Governor Cabrera Left Florida," by Luis Rafael Arana, 154
- Diffie, Bailey W., *Prelude to Empire: Portugal Overseas before Henry the Navigator*, reviewed, 87
- Donald, David, *Charles Sumner and the Coming of the Civil War*, reviewed, 196; *Why the North Won the Civil War*, reviewed, 187
- Doster, James F., *Railroads in Alabama Politics, 1875-1914*, reviewed, 91
- Douglas, Marjory Stoneman, book review by, 280
- "East Coast Florida Steamboating, 1831-1861," by Edward A. Mueller, 241
- Editor's Corner, 93, 295, 408
- Father Jerome, "The First Bishop of Florida," 295
- Fein, Albert, book review by, 196
- "First Bishop of Florida," by Father Jerome, 295
- "Florida and the Washington Monument," by Leon O. Prior, 422

General John Glover and his Marblehead Mariners, by Billias, reviewed, 89

Govan, Gilbert E., and James W. Livingood, *The Haskell Memoirs*, reviewed, 88

Griffin, Richard W., "The Cotton Mill Campaign in Florida, 1828-1863," 261

Grubbs, Donald H., "The Story of Florida's Migrant Farm Workers," 103

Hamilton Holt: Journalist, Internationalist, Educator, by Kuehl, reviewed, 278

Haskell Memoirs, by Govan and Livingood, reviewed, 88

Hesseltine, William B., and David L. Smiley, *The South in American History*, reviewed, 275

Hurston, Zora Neale, ink drawing of, 36

Hutchinson, James, ink drawing of Zora Neale Hurston, 36

"Indian Stockade and Fort in Northwest Florida," by Ralph E. Wager, 417

Johns, John E., book review by, 284

Johnson, Evans C., book review by, 89

Jones, Archer, *Confederate Strategy from Shiloh to Vicksburg*, reviewed, 186

"Joseph E. Brown and the Florida Election of 1876," by Derrell Roberts, 217

Josephy, Alvin M., *The Patriot Chiefs*, reviewed, 395

Keene, Jesse L., "Sectionalism in the Peace Convention of 1861," 53

Kirwan, Albert D., *The Confederacy: Social and Political History in Documents*, reviewed, 397

Kuehl, Warren F., *Hamilton Holt: Journalist, Internationalist, Educator*, reviewed, 278

"Lawlessness in Florida, 1868-1871," by Ralph L. Peek, 164

Livingood, James W., and Gilbert E. Govan, *The Haskell Memoirs*, reviewed, 88

"Locating Seminole Indian War Forts," by Tom O. Brown, 310

Longstreet, R. J., *The Story of Mount Dora Florida*, reviewed, 282

"Loyalist Migration from East Florida to the Bahama Islands,"
by Thelma Peters, 123

McAlister, Lyle N., "William Augustus Bowles and the State of
Muskogee," 317

Mahon, John K., "The Treaty of Moultrie Creek, 1823," 350;
book review by, 82

Marks, Henry S., book review by, 91

Marquette Legends, by Steck, reviewed, 191

Martin, S. Walter, book review by, 277

Mississippi in the Confederacy: As Seen in Retrospect, by Silver,
reviewed, 284

Mississippi in the Confederacy: As They Saw It, by Bettersworth,
reviewed, 284

Mueller, Edward A., "East Coast Florida Steamboating, 1831-
1861," 241

"Naval Visistor in British West Florida," by Robert R. Rea, 142
News and Notes, 200, 288, 401

Nicholls, William H., *Southern Tradition and Regional Prog-
ress*, reviewed, 394

"Northerner Reports on Florida: 1866," by Joe M. Richardson,
381

Okeechobee Hurricane and the Hoover Dike, by Will, reviewed,
280

Olney, Clarke, book review by, 395

Parker, Theodore R., book reviews by, 187, 397

Peek, Ralph L., "Lawlessness in Florida, 1868-1871," 164

Pena y Camara, Jose Maria de la, *Archivo General de Indias de
Sevilla. Guia del Visitante*, reviewed, 85

Peters, Thelma, "American Loyalists in the Bahama Islands:
Who They Were," 226; "Loyalist Migration from East Flor-
ida to the Bahama Islands," 123

Poe, Clarence, *True Tales of the South at War*, reviewed, 399

Pratt, Theodore, "Zora Neale Hurston," 35

*Prelude to Empire: Portugal Overseas before Henry the Naviga-
tor*, by Diffie, reviewed, 87

Prior, Leon O., "Florida and the Washington Monument," 422

- Railroads in Alabama Politics, 1875-1914*, by Doster, reviewed, 91
- Rea, Robert R., "A Naval Visitor in British West Florida," 142
- Richardson, Joe M., "A Northerner Reports on Florida: 1866," 381
- Roberts, Derrell, "Joseph E. Brown and the Florida Election of 1876," 217
- Rogers, Ben F., book review by, 88
- Rogers, William W., and Jerrell H. Shofner, "Sea Island Cotton in Ante-Bellum Florida," 373
- Schellings, William, book review by, 275
- "Sea Island Cotton in Ante-Bellum Florida," by Jerrell H. Shofner and William W. Rogers, 373
- "Sectionalism in the Peace Convention of 1861," by Jesse L. Keene, 53
- Shappee, Nathan D., "The Celestial Railroad to Juno," 329; book review by, 191
- Shofner, Jerrell H., and William W. Rogers, "Sea Island Cotton in Ante-Bellum Florida," 373
- Siege of St. Augustine in 1702*, by Arnade, reviewed, 277
- Silver, James W., *Mississippi in the Confederacy: As Seen in Retrospect*, reviewed, 284
- Smiley, David L., and William B. Hesseltine, *The South in American History*, reviewed, 275
- South in American History*, by Hesseltine and Smiley, reviewed, 275
- Steck, Francis B., *Marquette Legends*, reviewed, 191
- "Story of Florida's Migrant Farm Workers," by Donald H. Grubbs, 103
- Story of Mount Dora Florida*, by Longstreet, reviewed, 282
- "Tales of Old Florida," by Jane D. Brush, 300, 408
- Tanner, Helen H., *Vicente Manuel de Zespedes and the Restoration of Spanish Rule in East Florida*, reviewed, 391
- Tebeau, Charlton W., book review by, 282
- Territorial Papers of the United States: The Territory of Florida*, Volume XXV, edited by Carter, reviewed, 82
- Thrift, Charles T., book review by, 189
- "Treaty of Moultrie Creek, 1823," by John K. Mahon, 350

- United Colonies of New England*, by Ward, reviewed, 285
Wager, Ralph E., "An Indian Stockade and Fort in Northwest Florida," 417
Ward, Harry M., *The United Colonies of New England*, reviewed, 285
Ward, Robert S., book reviews by, 285, 399
Why the North Won the Civil War, ed. by Donald, reviewed, 187
Will, Lawrence E., *Okeechobee Hurricane and the Hoover Dike*, reviewed, 280
"William Augustus Bowles and the State of Muskogee," by Lyle N. McAlister, 317
Williams, T. Harry, *Americans at War*, reviewed, 189
Wright, Ione S., book review by, 277
- Zaiser, Marion, *The Beneficent Blaze: The Story of Major Lew D. Brown*, reviewed, 86
"Zora Neale Hurston," by Theodore Pratt, 35

THE AVERO STORY:
AN EARLY SAINT AUGUSTINE FAMILY WITH
MANY DAUGHTERS AND MANY HOUSES

by CHARLES W. ARNADE

I. *Juan de Penaloza and the Siege.*

By November 10, 1702, the English forces led by the ruthless James Moore, Governor of English Carolina, had occupied the town of St. Augustine. Over 1500 people took refuge in the Spanish fort which the English never were able to conquer. For two months Moore besieged the fort. The Spanish artillery was weak and ineffectual in driving away the enemy; the English artillery was inadequate against the massive walls of the fort. Moore tried to place his guns within closer range of the moat. The Spanish, afraid of this maneuver, dispatched a patrol with orders to burn all houses within a range of 750 feet from the fort. The houses of thirty-one St. Augustinians were devoured by the Spanish flames. Among them were the buildings that stood on northern St. George Street, today's unofficial main street of St. Augustine.

Once these structures were burned, the English were deprived of elevations from which to fire into the fort. The siege continued, with Moore hoping that better guns would arrive from English Jamaica, and the Spanish praying that a requested relief convoy from Havana might reach St. Augustine before the Jamaican artillery. The Spanish won the race; the Carolinians folded camp and retreated in haste. But before lifting the siege they applied the torch to every remaining building in town. By December 30, 1702, the English had left, but all of St. Augustine was a shambles. On New Year's Eve, most of the flames had died down, but ashes were still smoldering when the new year arrived. To the thirty-one proprietors who lost their houses at the hands of their own compatriots, 118 were added, since their residences too, were eaten by the flames - English flames. It did not matter whether the fire was English or Spanish; it spread rapidly and efficiently and destroyed all of St. Augustine.

Compensation and reconstruction were neither rapid nor efficient. Naturally, the fervent Carolinians had burned to the foundation the hated main church of St. Augustine. The Spaniards, so punctilious in their religion, were never able to obtain funds to rebuild the church during their first occupancy of Florida, which came to an end in 1763. Certainly the task of rebuilding was slower than a snail's pace. Not until early 1708 was an appraisal report of private property destroyed in 1702 undertaken. This document was finally dispatched to the Crown in August, 1709. Many proprietors had lost hope of ever receiving any compensation. Naturally, those who had seen their houses go up in fire at Spanish hands were more impatient to get some kind of aid.

Among these was a man by the name of Juan de Penalzoa. His burned house was appraised in 1708 at 200 pesos, for possible compensation. This indicated that it was an average house, maybe somewhat on the poorer side, since the appraisal range was from 50 to 6,000 pesos. Documents have failed to tell us much about Penalzoa and if he ever received his 200 pesos. It is doubtful that he did. If not, the only thing left for him to do was slowly to rebuild a new structure on his lot at his own expense. Maybe this is what Penalzoa did, not only in order to have a new residence on his homestead, but also to leave a house for his descendents. Such was a sign of parental success in the colonial way of life.

Penalzoa's daughter was Maria Flores, who married Domingo Garcia de Acevedo, a *peninsular*, a term meaning born in Spain but resident in St. Augustine. From this marriage a daughter by the name of Francesca Maria Garcia de Acevedo Penalzoa came into the world in St. Augustine. In turn, Francesca Maria, once married, would give birth to many St. Augustinians. But until then, she, Francesca Maria, was still the darling granddaughter of the Penalzoa who lost his house in the famous siege of 1702. It is assumed by documentary deduction, but not proven by these documents, that the Penalzoa homestead, with some kind of rebuilt structures-within one musket-shot (750 feet) of the fort -was passed on to the daughter, Maria Flores; then to the granddaughter, Francesca Maria. To this granddaughter and her many children, the 1702 siege was something of the far past-days of glory of the grandfather and great-grandfather.

SAINT AUGUSTINE FAMILY WITH MANY DAUGHTERS 3

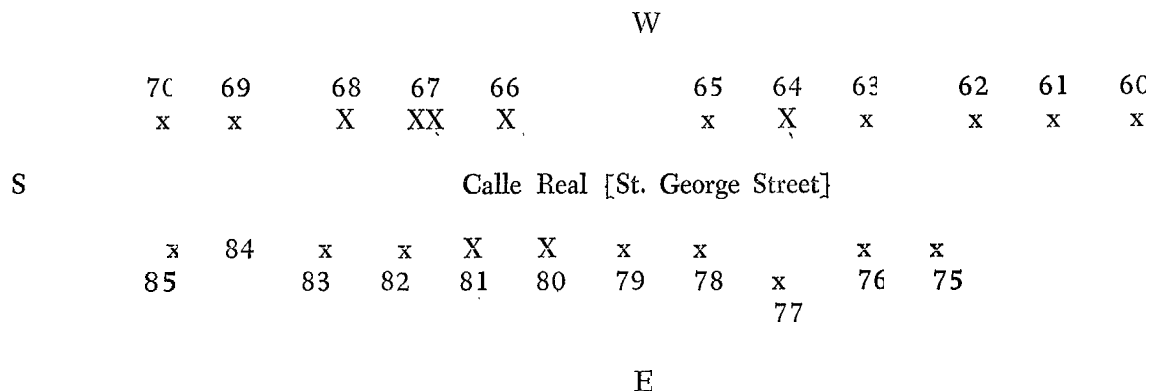
Sixty years later, around 1762, these glorious days had faded somewhat into obscurity. Only the very old ones remembered the spacious church that the Protestant Moore destroyed in his ire. These elders still cherished the old pride and deplored the absence of a new church. The newer generation, such as the daughters of Francesca Maria, had known only one St. Augustine. This was the St. Augustine of the post-siege era, where there was no main church, only the crowded hermitage of *Nuestra Senora de la Soledad* for the main services. When discussing the past, the St. Augustinian talked about the pre- and post-siege eras.

The younger generation, as in any place at any time, talked more about the future than the past. Little news of the big world made its way into isolated St. Augustine. The town was fairly prosperous and there was hope for bright years ahead which might equal the golden age of the half century preceding the 1702 siege.

The pre-siege days had been full of activity and positive action by a proud *criollo* citizenry. Sleepy and isolated, St. Augustine had awakened to the welcome noises of the construction crew which slowly built a massive stone fortress, dream of every St. Augustinian, in their midst. It was in these years that more funds stimulated some prosperity; and this in turn brought new blood - many non-military elements, especially from the Canary Islands - to town. The rustic and isolated presidio had begun to look like a city.

It was in these days before the siege that a governor arrived who captured the support of the St. Augustinians, who had always despised the executive since he had always before been an outsider. When, in May, 1675, Pablo de Hita Salazar took possession of the governorship, he said that he liked St. Augustine and wished to remain there with his family, composed of four active sons. He began to distribute Crown land to his *criollo* friends from St. Augustine. The Crown was not pleased with this, and when Hita Salazar's term came to an end in 1680, he failed to receive a reappointment. The Governor, true to his promise, did remain in St. Augustine as a private citizen, building a house in an as yet undetermined location, but, in order to keep his social stature, probably not too far from the main square. It too was burned during the Moore siege.

I PUENTE MAP: 1763-1764



68: Antonia's *small* house (from Rodríguez)

67: Ursula (married to Arrivas)

66: Alfonsa (married to Francisco Pérez de la Rosa)

64: Antonia's *middle* sized house (identified in Puente as the Blanco house)

81: Antonia's *large* house (married to Blanco)

80: Juana (married to Gerónimo de Hita y Salazar)

SAINT AUGUSTINE FAMILY WITH MANY DAUGHTERS 5

All his four sons married St. Augustine girls, and by 1763, over thirty grandchildren of the deceased Governor lived in the town; some were important local citizens and some of unimportant stature. One of them, Geronimo Josef, the eighth child of the third son of the Governor, was a simple soldier even though he was nearly fifty years old. He hardly could have inherited his grandfather's homestead or rebuilt house. By 1763, to Geronimo Josef, the siege of the fort his grandfather had helped to build was a matter of history and history only. Soldier Hita must have been a sad man, since many of his immediate relatives held more respectable positions more in line with the distinguished past of his family. But he was at least ready to keep up the name of the Hitas with respect to their tradition of giving birth to many children.

He had six accounted children by his wife, Juana Averó García de Acevedo. And Juana Averó was the daughter of Francesca Maria, who in turn was the granddaughter of Penalzoa, whose house had been burned by the Spanish sally during the 1702 siege. Consequently, Juana Averó, the wife of soldier Hita, was the granddaughter of Penalzoa. Hita and his wife lived in the neighborhood of the old Penalzoa homestead near the fort, on today's St. George Street, not too far from the city gates. The residents of this neighborhood were employees of the Crown, as were most other St. Augustinians, and nearly all were married to Averó girls, sisters of Juana.

Out of the old Penalzoa homestead a thriving new cluster of houses had developed, belonging to people related by close family ties. And as was the custom, the houses were full of children ready to carry on the family tradition to the approaching 19th century. Another golden age, much better than that of the times of Governor Hita de Salazar, whose direct descendents were now part of this thriving cluster dominated by the Averós in northern Calle Real (as St. George Street was commonly called in those days), was in the making. It did not materialize.

II. *The 1763 Exodus: Puente and Fish*

Spain was rapidly declining in international power and prestige. Since 1702, when English Carolina had first attacked Spanish Florida, the English possessions north of Spanish Florida had expanded. Although James Oglethorpe too had failed to con-

quer St. Augustine in his 1740 attempt, doing far less damage than James Moore, the English danger had grown to critical proportions. In 1754, an Anglo-French conflict began in the Ohio Valley, which two years later developed into a titanic world war known in Europe as the Seven Years' War, or in America as the French-Indian War. France, Spain, Austria, and Russia battled England and Prussia. In America, it was France and Spain against England.

St. Augustine, which had weathered several English attacks in the past century, fared peacefully during this gigantic war. This lull, plus the narrow provincialism of the St. Augustinians, made them unaware of the real danger to Spanish sovereignty in Florida. The citizens were more preoccupied with local affairs, such as the presence of an arrogant but able governor, Don Lucas de Palazio y Valenzuela, who was courting a local girl. In the spring of 1764, Don Lucas married the girl, only to die a few months later of a sudden heart attack. This and other happenings, such as Indian troubles, had removed the St. Augustine citizenry from the stream of world events.

Havana had fallen into the English hands and the war was rapidly bringing complete defeat for France and Spain. In 1763, the nations at war made peace. In the Paris Peace Treaty Spain recovered Havana by trading Florida. France offered to save Florida for the Spaniards by proposing that England take French Louisiana for Havana, but England preferred Spanish Florida. Florida became, then, English.

When the news of the Paris Peace Treaty arrived in St. Augustine, consternation must have been the natural reaction. Documents so far have failed to portray the emotions and tempers of the St. Augustinians. The reestablished Spanish authorities of Havana took charge of the 1763 Florida transfer to the English. The Floridians were all gently asked to evacuate Florida, including St. Augustine, and come to Havana. This was done. By 1764, the mass exodus had been completed.

The story of this complete exodus is a chapter in itself, full of color and human excitement. Undoubtedly the most complicated problem was the disposal of Spanish real estate, especially of private property. Most Spaniards were unable to sell their houses and lots before their departure. Havana authorities were anxious to prove good faith to the Florida emigrants. They ap-

SAINT AUGUSTINE FAMILY WITH MANY DAUGHTERS 7

pointed Juan Joseph Elixio de la Puente, a St. Augustinian whose family was deeply rooted in Florida and held extensive real estate, as the agent to dispose of the private property at a fair price. He was an able administrator who before the evacuation had held the position of chief officer of the Royal Accountancy of Florida. Unquestionably, Elixio de la Puente was the best prepared Floridian of the eighteenth century. He was well qualified for this most difficult, if not impossible, commission.

Elixio de la Puente did not succeed in his commission, but he did leave for posterity something extremely valuable and quite accurate. Juan Joseph Elixio de la Puente, as a necessary tool for his assignment, made a real estate map in which he plotted every house and assigned it a number. On the margins of the map he listed the 393 numbers, identifying the owners of each house or lot and the structural quality of the buildings. This map plus its description was mailed from St. Augustine to his superiors in Havana on January 22, 1764. The map represents St. Augustine real estate as of 1763; therefore it is known as the St. Augustine Puente map of 1763 (hereafter referred to as PM).

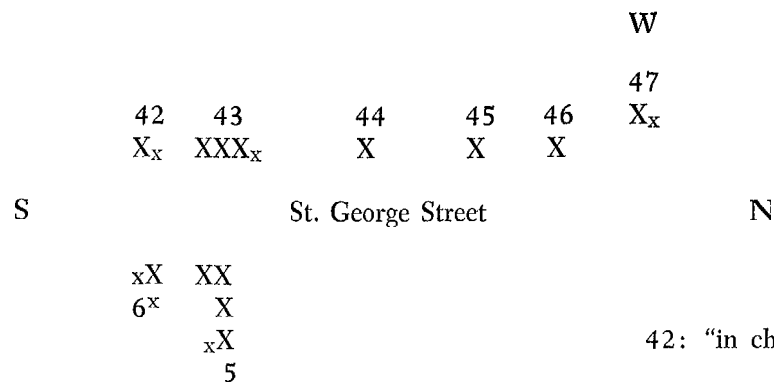
It was a good map but it certainly did not assure the sale of the houses. It is here that a somewhat mysterious figure - who deserves more intense historical research, perhaps a master's thesis - comes into the picture.

Jesse Fish was born on Long Island in the state of New York, but was by 1763 a resident of St. Augustine. Fish appears to have been an opportunist par excellence who professed loyalty to whatever flag was flying over the nearest government building. He also had an ability to convince people; he was a salesman in the truest sense. Jesse Fish somehow convinced the able and shrewd Elixio de la Puente, whom he had known in past days, that he was the man of the moment; that he, Fish, would help Elixio de la Puente in his difficult assignment.

Elixio de la Puente turned the unsold houses and lots, about 220 real estate items, over to Fish. The Spanish commissioner received from Mr. Fish a nominal sum for each house or lot. This entitled the New Yorker to a general deed for all 220 properties. Fish promised to sell the houses at their fair value and then reimburse the Spanish owners. He also promised to journey to Madrid and London to expedite his real estate transactions. Truly, the whole Fish deal is still shrouded in a veil of mystery,

II ROCQUE MAP: 1788

8



FLORIDA HISTORICAL QUARTERLY

42: "in charge of Antonio Fernández."

43: "in charge of the heirs of Arrivas."

44: Pedro Josef Salcedo (with deed).

45: Pedro Josef Salcedo (with deed).

5: "in charge of Don Antonio Fernández." (Minorcan Chapel).

6: Don Juan Sánchez (with deed).

SAINT AUGUSTINE FAMILY WITH MANY DAUGHTERS 9

although documentation is abundant. At any rate, the result was predictable.

Jesse Fish pocketed the over 200 properties and lived in relative modesty on a huge, 10,000 acre plantation on Anastasia Island, which produced internationally famous oranges. He had wife trouble, but this was nothing compared to the impending difficulties. Did Jesse Fish ever think that the Spaniards might come back to Florida?

By 1776, the same English colonies, Carolina and Georgia, which had attacked Spanish Florida, were now rebelling against their mother country, England. Florida, the newest English colony, remained utterly loyal to London, and the American War of Independence bypassed St. Augustine just as had the French and Indian War of bygone days. But, as it had been in the previous war, the end result was drastic for Florida. This time, Spain too had entered the war against the arch enemy, England, on the side of the rebellious colonies. When victory came to the rebels and their independence was guaranteed, Spain shared a slight part of this triumph by regaining Florida. Twenty years of English rule came to an end in 1783. St. Augustine witnessed a repetition of 1763, but in reverse. A great majority of the English left and many of the old St. Augustinians returned.

Jesse Fish refused to lose his tremendous investments, and stayed. He professed great joy at the Spanish return, denouncing the English and proclaiming that his sorrowful days had come to an end with the glorious return of the beloved Spaniards. Somehow Fish, with his usual slickness, managed to win the partial confidence of the new Spanish administrators. They did confiscate some of his extensive properties which he had acquired so dishonestly twenty years earlier, but they did little else to the man. Some of the old St. Augustinians felt rather different about the Fish matter and were ready to demand the return of their property. The New Yorker, in ill health, lived like a hermit on his Anastasia property. On February 8, 1790, he died.

The Fish account book was impounded by the Spanish administration, which felt dubious about the legality of returning the property to the original owners of the First Spanish Period. Some of this property had been sold by Fish to people who had bought it in good faith, including some Spaniards who were residents during the Second Spanish Period. Furthermore, Fish

had paid for each house a sum, making it a purchase rather than trust. The legal implications of the Fish transactions were gigantic. Apparently the Spanish administration in Florida decided the best solution was to auction off the unsold properties of Fish, therefore ending the Fish family's continued hold on this property. If this was a good practical solution in seeming the least of all evils, it still was not without consequences. The solution remained very much of an evil to the old inhabitants and their direct descendents, who wanted to repossess their property.

Soon after the death of Fish and the public auction held on April 8, 1791, a rash of legal suits was started by the old owners or their children and grandchildren to regain the old homesteads. The most vociferous and best prepared suit was filed by the representatives of Antonia de Averó, who was still residing in Havana, but whose daughter and nephew were back in St. Augustine. The nephew was Tadeo Arrivas, who was a person of significance in the new Spanish St. Augustine. The daughter was married to a Colonel Antonio Fernandez, who also held an important position in the Spanish garrison. Antonia de Averó, claiming three houses, had indeed able representatives who were close to the administrative apparatus of St. Augustine. Involving three houses and able aid, the Antonia de Averó suit was of significance as a most interesting test case of the whole *l'affaire* Fish.

III. *The Averos*

Antonia de Averó, born in St. Augustine on March 3, 1717, was the sister of Juana de Averó, who had married the soldier Hita and was the daughter of Francesca Maria Garcia de Acevedo Penaloza. Consequently Antonia de Averó was the great-granddaughter of the Penaloza whose house had been burned during the Moore siege in 1702. The father of Antonia and husband of Francesca Maria was Victoriano de Averó, a native of the Canary Islands who came at an undetermined date to St. Augustine. Our information about Sr. Averó is very sparse. He married Francesca Maria on August 25, 1711, and therefore became a partner of the Penaloza patrimony, including the homestead in the northern area of St. George Street. If Francesca Maria brought real estate to the marriage or if Victoriano Averó already had a house is a matter of speculation, with no documentary confirma-

SAINT AUGUSTINE FAMILY WITH MANY DAUGHTERS

11

THE AVEROS

1672	
Juan de Peñaloza.....	Anastacia de Herrera
1641-1723	1650
Maria Flores de Peñaloza.....	Domingo García de Acevedo
1675-	?
1711	
Francesca María García de Acevedo de Peñaloza.....	Victoriano de Averó
1697-1745	-1727
Ildefonso (see chart 2)	
Juana (3)	
Antonio (4)	
Manuela	1736
1719-	
Mos Rosendo	
?	
Francisco Gabriel	
1721-	
Ursula (5)	
María	
1726-1727	

tion or conclusions. Whatever the truth, the documents tell that the Averos developed a cluster of houses along today's northern St. George Street, the area of recently planned historical reconstruction.

Such a cluster developed because of the Avero's propensity to give birth to daughters who apparently married neighbors. In their sixteen years of married life Victoriano de Avero and Francesca Maria gave birth to six accounted daughters and one boy who apparently died at a young age. Victoriano de Avero died during an epidemic in 1727. His widow, Francesca Maria, remarried in 1738, and gave birth to more children who did not live in the Avero cluster of houses. The various daughters of the first marriage repeated the performance of their mother, remarrying when widowed, and giving birth during their marriages to many children. Two of these played a leading role in spearheading the drive of their clan to regain their houses after the death of Fish. Especially outstanding was the role of Antonia de Avero, the most aggressive of the Avero girls.

It was Juan Joseph Elixio de la Puente, the man responsible for giving Fish the Avero cluster, who had in his 1763 real estate map (PM) identified the Avero houses or those of the husbands of the Avero girls. Numbers 68 and 81 belonged to Antonia de Avero, the third daughter. Number 66 was that of Alfonsa de Avero, the oldest daughter. Number 80 was listed under the name of Geronimo de Hita, husband of Juana de Avero, the second daughter. Geronimo was the soldier grandson of Governor Pablo de Hita y Salazar. Number 67, a double structure, was assigned by the PM as belonging to Raymundo de Arrivas, who was in 1763 the husband of Ursula de Avero, the fifth daughter. Numbers 68, 67, and 66 were lined up on the western side of the street. Numbers 81 and 80 were on the eastern side just opposite 68, 67, and 66.

There was one more component of the Avero complex. It was house number 64, somewhat farther north than the other houses. PM lists this house under the ownership of Joaquin Blanco, who was at the time of the evacuation in 1763 the husband of Antonia de Avero.

When (in 1791), after Fish's death and the government auction, Antonia de Avera tried from Havana to regain her St. Augustine property, she claimed three houses. This agrees with

SAINT AUGUSTINE FAMILY WITH MANY DAUGHTERS 13

the PM which lists two houses, numbers 81 and 68, in her name, and number 64 as belonging to her husband. Since Antonia failed to be specific about these three houses, except for calling one "the larger," the other "the small one," and giving the third no specification, we possess no direct check in correlating these three claimed houses of 1791 with those of the PM of 1763. Therefore an interesting historical case of documentary deductions, mostly from the documents presented in the Averó suit plus other historical data, is permissible in order further to clarify the history of the Averó cluster or complex.

IV. *The Old House.*

Common sense plus evidence going as far back as the 1702 siege, correlated by genealogy, says that the Averó cluster started from one homestead, lot, or house. This would be the patriarchal building, the house where the Averó girls were born and from which they spread all over the block. As previously stated, the Averó girls were related through their mother to Penaloza, who during the siege of 1702 lost a house in the neighborhood of the fort and in the area where the Averó cluster developed. Antonia de Averó, who was the great granddaughter of Penaloza, stated in her legal suit of 1791 "That in regard to the titles of domain and ownership (*titulos de dominio y propiedad*) of one of the houses, *which is the largest* [italics mine], and which was appraised by the Engineer Don Juan de Cotilla it is necessary to go back to the year 12 [i.e., 1712] of this century in order to know *the lot and old houses* [italics mine] which stood on it and which came to me by inheritance from my grandparents and parents." (folio 24.) Antonia de Averó did not include title or deed of this particular property, the largest house of the three. At any rate (according to the claimant), one of the three claimed houses of Antonia de Averó, the big one, went back to the early eighteenth century as a family patrimony. From the PM and additional testimony (see *infra*) in the legal Averó presentation it is known that her largest house was number 81 of the PM. Therefore it is 81 that Antonia claimed as dating back to her grandparents' times. Under these circumstances it is quite feasible to state that house number 81 of PM is the patriarchal building whose construction went back to 1712.

2)	Ildefonso Avero 1713-.....	1729	o Rodríguez de Cabrera 1731(34?)
		1734	Francisco Pérez de la Rosa
			?
3)	Juana Avero 1715	1731 1736	Simón Morales ? Gerónimo de Hita y Salazar 1706-

SAINT AUGUSTINE FAMILY WITH MANY DAUGHTERS 15

4)	Antonia de Averó	1735Joseph Guillén
	1717-1792		-1743
			Victoriana Guillén?
			1743-
		Antonio Fernández
		1753Joaquín Blanco
			?
5)	Ursula Averó	1738Diego de Repilado
	1723-		-1747
		1748Raymundo Alonso Arrivas
			?
	Tado Arrivas	1778María García Perpall
	1767-	
			?

The 1712 date is as good a date as can be expected. The town was destroyed in 1702 and the period of reconstruction was painfully slow. Then, on September 30, 1707, a terrific hurricane struck St. Augustine and again leveled most houses. It can be assumed that between 1710 and 1715 came into existence the first new houses which lasted, with apparent modifications and additions, into the English and Second Spanish periods. This does not preclude that these houses were built on foundations that date back to years previous to the 1707 hurricane and the 1702 siege. It is quite probable that the large house claimed by Antonia de Averó (PM:81) in 1791, and claimed to come to her from her forefathers, stood on the lot and foundations of a previous building or buildings destroyed during the 1702 siege.

Exactly when Antonia de Averó could have inherited the large house, and if this really was the family homestead, remains in question. Her father, Victoriano de Averó, died in 1727 during that year's epidemic, when the yearly death rate rose from a thirty-five average to over two hundred. Antonia failed to include the will of her father or mother in her legal suit. Following Spanish tradition, the wife of the deceased, who was Francesca Maria García de Acevedo, ought to have inherited the house. But the widow remarried on July 21, 1738 a certain Christoval de la Torre de Borjes, a native of Cuba. Whether the new bride, mother of many children and many times a grandmother, stayed in the Averó house or moved to a residence of her new husband is not known. It is known that Francesca Maria died in 1745, but her will is not part of the record. If Antonia did not inherit the house (PM:81) in 1738, she must have in 1745. But was this house the patriarchal residence?

V. Alfonsa and Juana.

If custom was followed, the oldest daughter would have inherited the main house. Antonia was not the oldest, but the third daughter. Alfonsa, or Ildefonsa, de Averó had the right of primogeniture. Alfonsa was born on February 14, 1713, and married at the age of sixteen a native of the Canary Islands - the birthplace of her father - by the name of Fernando Rodríguez. They had only one child, who died in 1731. Soon after, Rodríguez died. The young widow married in June, 1734 a local

SAINT AUGUSTINE FAMILY WITH MANY DAUGHTERS 17

man by the name of Francisco Perez de la Rosa, and bore him six children. In 1763, Alfonsa was living in number 66 of the PM, which was across the street and somewhat to the north of Antonia's number 81. After this, Alfonsa Averó de Perez de la Rosa fades out of the documents. It would not be surprising if the house in which she was living (PM:66) was really the old Averó house. But at the same time she could have married a neighbor, either at the first or second marriage. We do not know the answer.

The same goes for the second daughter, Juana de Averó, born on March 19, 1715. She too married at the age of sixteen. Her husband, Simon de Morales, was a native of Havana whose family also had come from the Canary Islands. Juana also had had only one child from this, her first marriage, when her husband died. On December 30, 1736, Juana, like her sister, married for a second time. Her second spouse was a true St. Augustinian, the soldier Geronimo de Hita, one of the thirty-two grandsons of Governor Pablo de Hita y Salazar. Juana and Geronimo, just like Alfonsa and Francisco, had six children. They lived just across from Alfonsa and Francisco, in house number 80 of the PM. Here too, documents fail to specify if Juana inherited the house from her parents or from her first husband, or if she moved into her second husband's house. Since Juana was the second daughter, it is less conceivable that her residence (PM:80) was the old family homestead. It is practically impossible that this house goes back to Geronimo de Hita's grandfather, the governor, as some modern claims insist. Geronimo was at least 29 times removed from the right of primogeniture of the governor's private house, whose location has yet to be determined. Furthermore, he had been a social failure in a town where military rank was of utmost importance. To this must be added that the house where Juana and her soldier husband lived in apparent happiness is today a vacant lot just next to the large house of Antonia de Averó, identified as number 81 of PM.

VI. *Antonia.*

Antonia, the third daughter, appears as the most interesting of the Averó girls, carrying the traditions of the Averós into the Second Spanish Period. She was born in St. Augustine on March

3, 1717, and died in Havana on August 8, 1792. Her will is with the legal suit which she started a year before her death to regain her three houses in St. Augustine (folios 46-51v). Antonia in her seventy-five years of existence had a full life. She did not marry at the age of sixteen as her other sisters did. Not until she was eighteen was she joined in wedlock to Captain Don Joseph Guillen, a native of Cartagena (in today's Colombia) who was a shrewd businessman. Antonia and Joseph had five children. The last of these five was Victoriana Isidora, who was born on April 21, 1743. Seven months later Antonia's husband, the father of the five children, died.

Captain Joseph Guillen's will was kept by his widow and later was presented in her legal claim of 1791 (folios 59v-66). This will stands as a possible contradiction to Guillen's wife's declaration that she had received her large house from her grandparents and parents. Guillen on his death bed in December, 1743, stated that he owned "houses which are my residences with their lots and rooms, male slaves, and one sloop called *El Santisimo Christo de la Soledad, San Joseph y las Animas*." (folio 62.) In the will, multiple business transactions of the Captain came to light. He left everything including the "houses" to his wife, Antonia de Averó.

The term "houses" is confusing. Antonia used it when she spoke of her inheritance. It might refer to one single house in the modern sense. In colonial days a house had many disconnected parts, such as the kitchen and servant quarters. When Antonia de Averó and Joseph Guillen spoke of houses it is possible that they meant one single residence. This assumption still leaves us in the dark as to where Captain Guillen's house or houses stood. In the PM no houses with the name of Guillen are identified. In the 1708 claims list of property burned during the 1702 siege no Guillen or genealogical connection has come to light. But then Guillen was not a native of St. Augustine. Between 1708 and 1763 no real estate lists have been found. At any rate, there is no doubt, in view of the discovery of the Guillen will of 1743, that the widowed Antonia inherited one of the three houses she claimed from Captain Guillen. But she had three *casas*!

As did all her other sisters, Antonia Averó, widow of Guillen, remarried. After ten years of widowhood she was wedded "with

SAINT AUGUSTINE FAMILY WITH MANY DAUGHTERS 19

dispensation" to another block neighbor, the socially distinguished Joaquin Blanco. This man held the garrison position of *Guarda Almacen de Municiones y Petrechos*, with the responsibility of managing all of the presidio's supplies. Blanco was among the administrative elite of St. Augustine. If the marriage was one of love or of convenience, it nevertheless represented a social climb for the Averos and an extension of their real estate cluster or complex.

The PM lists a Joaquin Blanco house just north of the other Averos houses. It was number 64 of the PM and stood on the western side of the street (today's St. George Street). The New Yorker, Jesse Fish, whose dubious dealings motivated the Averos suit, stated in 1764 that he had received from Joaquin Blanco *three* [italics mine] houses. The Fish receipt was introduced as legal evidence in the 1791-1793 legal proceedings (folio 4). There is little doubt that these three houses listed by Fish as Blanco properties were the same three buildings claimed by his wife under her ownership. Were they Blanco or Averos houses?

VII. *Antonia's Large House.*

In the legal proceedings in 1793, three witnesses testified that they had lived in St. Augustine previous to 1763, and that they had known Antonia de Averos as the legal wife of Joaquin Blanco (folios 36-37). These witnesses stated that the Blanco couple lived in a house that still stood in 1793. On its immediate south lived in 1793 the *Maestro Mayor de Galafate*, Juan Sanchez, and to the north was the house of the *Sobrestante Mayor de Reales Obras*, Francisco Canto. They also said that the house in question, where Antonia de Averos and Joaquin Blanco lived, was on the east side of the street (today's St. George Street). In a 1788 map drafted by the Spanish military engineer, Mariano de la Rocque, the house due south of the largest Antonia de Averos house (PM:81) is listed as belonging to a Juan Sanchez (see numbers 5 and 6 of the Rocque map). No northern neighbor is shown in the 1788 map. There is no reason to doubt that in the intervening five years between 1788, when Rocque made his draft, and 1793, when the witnesses testified, a new house due north could have been built by Sr. Francisco Canto. In sum, the three testimonies of 1793 by elder St. Augustinians leave no

doubt that Antonia de Averó, together with her second husband Joaquín Blanco, before the 1763 evacuation lived in the house identified by Antonia as her "large house," which the PM marks as number 81. This was the building which Antonia de Averó claimed she received by inheritance from her forefathers and whose commencement date must have been around 1712.

The three 1793 witnesses do not agree with this, since they present direct contradictory information. The one testified that "he knows that this house [Antonia's large one; PM:81] was acquired during the life (*en tiempo de*) of Don Joseph Guillen the immediate preceding [i.e., first husband] of the aforementioned Averó [Antonia]." Witness number two stated "that the above mentioned house [Antonia's large one where she and Blanco lived; PM:81] was owned by D. Jose Guillen who was the husband of the late Averó [Antonia] and who was the precedent to Joaquín Blanco." Finally, the last witness only testified that Antonia de Averó lived in her house [PM:81] before she married Blanco and that she had been married to Guillen. But all three witnesses wrote that since the time of Jose Guillen and through the residence of Blanco "something was manufactured in it [the house]." None of the three said what the product was. The fact is that the large house of Antonia de Averó was the one on the east side of the street, where she lived first with Guillen and then with Blanco. Furthermore, Antonia did not receive the house from Blanco. She either inherited the building from her parents or from her first husband, Guillen. If the latter is the case, the house PM:81 was not the original Averó residence. Could it be either of the other two houses that Antonia claimed in her 1791 legal presentation?

VIII. *Antonia's Small House.*

The PM lists number 68 as belonging to Antonia de Averó. This house provides no problem in tracing its origins and whereabouts. The Averó girl stated in her suit that she inherited the smallest house of the three from a Fernando Rodríguez, a retired garrison member from the lower echelons. Rodríguez died in 1762, at an advanced age, and his will is available (folios 54-59). This Galician stated that he owned a house which was his residence and which was made "of wood (*madera*) covered

SAINT AUGUSTINE FAMILY WITH MANY DAUGHTERS 21

(*covijada*) with palms (*palma*) with one new room that has a flat roof (*azotea*)" (folio 55v). The addition was constructed by the master builder, Juan Perez. Sergeant Rodriguez in his will wrote that the new room, of which he was most proud, was "touching (*arrimado*) the walls of those of the Lieutenant Don Raymundo [Arrivas]." He further said that "he has paid the *arrimos* [right of wall sharing] up to the kitchen." Rodriguez continued by saying that the house stood on a lot located on *San Patricio Street* [seventeenth century and early eighteenth century name for the *Calle Real* of 1763 which was also known as *Del Gobernador* or *Calle que va a la Puerta de Tierra*, (today's St. George Street)]. He gave the size of the lot as $15\frac{1}{4}$ varas width and 35 varas deep. The old Rodriguez, who had no living children or grandchildren, left most of his belongings, including the house in which he lived, to Antonia de Averó for unknown reasons. Another lot that Fernando Rodriguez possessed outside the city walls and next to the old Leche shrine was bequeathed to Rodriguez' faithful Negro slave called Anna Maria, who was granted complete liberty by the will. Joaquin Blanco (Antonia's husband) and Raymundo Arrivas (Antonia's brother-in-law and old man Rodriguez' neighbor, to whom he had paid the wall-sharing rights) were named executors of the will. There is no question that Antonia de Averó inherited in 1762 this house and took possession of it. It was her smallest house.

There is little difficulty in identifying this little Rodriguez house (in 1763 Antonia de Averó's house). The will cites the immediate neighbor, who was Lieutenant Raymundo Arrivas, and it specifies the size of the lot: $15\frac{1}{4}$ by 35. Furthermore, Antonia de Averó called this house her smallest house. Everything agrees with Puente's number 68 (PM:68), located on the western side of St. George Street, the southernmost of the houses of the Averó cluster. Number 68 of PM is a smaller house; it is next to the house of Raymundo de Arrivas (PM:67), and the lot size given by Puente is 15 by 35 varas. Therefore, the little house of Antonia de Averó is the old Rodriguez house and is number 68 of the Puente map of 1763.

IX. *Antonia's Middle-Sized House: The Blanco House.*

The smallest Antonia de Averó house is PM:68, and the

largest one is PM:81. But she claimed three houses, including a middle-sized structure. The PM lists only two Antonia de Averó houses, numbers 68 and 81. But the map does identify a Joaquín Blanco house (PM:64) on the northwest edge of the Averó cluster. There is no reason to doubt that this is the third of the Antonia de Averó houses, which unquestionably she inherited from her second husband. We possess little concrete information about its origin but it is conceivable that its architectural features are better known than any other of the Averó houses of the whole cluster.

On folio 5 of the Averó suit or brief the assessment or appraisal (*tasación*) of a Joaquín Blanco house of 1763 is enclosed. Antonia de Averó's son from her first marriage, Agustín Guillén de Averó, claimed in a printed memorandum (folios 6-7) that an appraisal of all three houses was undertaken in 1763, and that the total assessment of all three structures was 8378 pesos. Yet, in the suit, only one assessment is reproduced (folio 5) and it is specified as belonging to the Blanco house. This assessment provides architectural data such as the existence of a stairway, flat roof, balcony, and so forth. Since the assessor or appraising engineer specified the house as belonging to Joaquín Blanco "situated in the Calle del Gobernador to the north [North St. George Street]" it is feasible to believe that the appraisal with its architectural data applies to PM:64, the middle-sized house which Antonia de Averó inherited from her second husband, Joaquín Blanco. Unfortunately, there is some doubt about this matter.

The Guillén son stated that the appraised value of all three houses was 8378 pesos. The Blanco appraisal on folio 5 is for 4827 pesos. This would make the house over half of the total value of all three houses. Common sense would assign the 1763 assessment of 4827 pesos to the largest house, which is PM:81. Furthermore, Antonia de Averó in her legal presentation - often confusing and contradictory - stated (folio 24) that her largest house (PM:81) was appraised in 1763. At the same time, Juan Joseph Elixio de la Puente was a most conscientious worker and he must have had a reason to assign two houses to the name of Antonia de Averó and one house to Joaquín Blanco. The most probable reason was the registration of the deeds. Furthermore, the engineer assessor, Juan de Cotilla, was also a careful man and he too must have had a basis for identifying the correct own-

SAINT AUGUSTINE FAMILY WITH MANY DAUGHTERS 23

er of the assessment. Consequently, the appraisal or assessment presented by Antonia de Averó in her suit either corresponds to PM:64 or to PM:81. It is impossible to say which of the two presents a stronger possibility. Whatever the correct answer may be, PM:64 was the third Antonia de Averó house: the middle-sized one that had come to her via Joaquín Blanco, who must have died in Havana after the 1763 evacuation. Additional data tend to tip the weight in favor of PM:64 as the house of the 1763 assessment evaluation of 4827 pesos inserted on folio 5 of the record of the Averó suit.

Antonia de Averó talked about her large house (PM:81) and her small house (PM:68), providing us with some conclusive information. She failed to give specific data for the middle-sized house, the Joaquín Blanco house (PM:64). Yet she was quite disturbed about this house because it was the one that was not auctioned off by the government in 1794 after the death of Fish. It was at this auction that two of her houses, the large and the small, were sold by the government; this motivated the whole legal suit. The third was the middle-sized one (PM:64) and it was not sold in public auction because it already had a bona fide owner with an acceptable deed, the validity of which was challenged by Antonia de Averó. Fish had sold it to a returning Spaniard who was a captain of artillery and whose name was Pedro Joseph de Salcedo. There is good corroboration of this since the engineer Rocque in his 1788 map identified houses numbered 44 and 45 on his map as belonging to a Pedro Joseph Salcedo.

According to recent geographical research, done by Professor John Dunkle of the University of Florida, the number 45 of the Rocque map corresponds to number 64 of the Puente map. And number 64 of the PM is the house listed as belonging to Joaquín Blanco, which in turn was identified as the middle-sized house that Antonia de Averó claimed. There is no question that Captain Salcedo was happily living in this house at the time of Fish's death. He must have presented a legal title to the house, and therefore it was not auctioned off, making it the most difficult of the three houses to reclaim. Consequently, it is quite possible that Antonia de Averó and her representatives went out of their way to find legal proof to reclaim the Salcedo house. As soon as the proceedings started, she introduced the 1763 assessment,

which she believed to be equal to a valid legal title. The other two houses listed in the auction were easier to reclaim because it is possible that no legal titles were drawn up.

X. Antonia's Failure to Recover the Three Houses.

Since the records of this auction have not yet been located (there are possibilities that eventually they will be), it is impossible to say whether or not titles were given as soon as possible to those who acquired the ex-Fish booty this way. But it is known that the large and the small houses of Antonia de Averó (PM:81 and 68) were turned over to Colonel Antonio de Fernández before the auction, before the death of Fish; very soon, as a matter of fact, after the Spanish return in 1783. The colonel was the son-in-law of Antonia de Averó, having married a daughter, from Antonia's first marriage with Guillen, by the name of Victoriana.

In 1792, the Spanish governor of Florida, Don Vicente Manuel de Zéspedes, issued a certification to be made part of the record of the Averó suit (folio 22). In it he testified that as soon as the Spaniards' regime was reinstated Jesse Fish had turned over two houses of his 1763 acquisition to Colonel Antonio Fernández, the son-in-law of Antonia de Averó. The governor identified these two structures as "a house that was serving as a Catholic church [Minorcan Chapel] and another house just across." On folio 28v of the legal record of the Averó suit, the lawyer of the Fish interest, Fernando de la Maza Arredondo, stated in March, 1792, that the English administration of Florida took one of the ex-Averó houses away from Mr. Jesse Fish and turned it over to Doctor Pedro Camps [the Catholic priest of the Minorcans] who converted it into a "Church of the Catholics."

Father Pedro Camps, in the Golden Book of the Minorcans (last folio), which was his register, stated that "On the 9th of September, 1777, the Church of San Pedro was transferred from the settlement of Mosquito to the City of Saint Augustine, with the same colony of Mahonese that was established in the said settlement and with the same priest and missionary D. Don Pedro Camps." Therefore, the establishment during the English Period of a Minorcan Chapel in an ex-Averó house acquired by Fish, and its later transfer to Colonel Fernández, is a historical fact. And, thanks to the accurate and efficient engineer, Mariano

SAINT AUGUSTINE FAMILY WITH MANY DAUGHTERS 25

Rocque, author of the detailed map of St. Augustine of 1778, it is possible to determine which of the Averó houses became the Minorcan Chapel. On his map the house marked as number 5, indeed a very large house, is listed as "in the charge of Don Antonio Fernandez," who unquestionably is Colonel Antonio Fernandez. Also note that Rocque did not say it belonged to Fernandez, but that it was "in the charge of" the colonel. Geographical correlation places house number 5 of Rocque as corresponding to house number 81 of the 1763 Puente map. And PM:81 was Antonia de Averó's large house.

Furthermore, Governor Zespedes stated that the second structure turned over to Colonel Fernandez was "just across" from the chapel. Rocque in his 1788 map confirms this. The house just across from his number 5 (Antonia de Averó's largest house, PM:81, later a Minorcan chapel, later "in the charge of" Fernandez), was number 42 which Rocque identified as a "House of masonry . . . in the charge of Don Antonio Fernandez," and Rocque's number 42 correlates with PM:68 which was Antonia de Averó's small house which she had inherited in 1762 from old man Fernando Rodriguez.

Consequently, the large and the small houses (numbers 5 and 42 of Rocque correlated to Puente's numbers 81 and 68) until the auction were again in possession of the Averó family. Antonia's middle-sized house, which she received from Blanco (PM:64 and Rocque:45), had been deeded to a stranger to the Averós and was a real target in her suit, although she had little substantial proof of ownership, with the possible exception of a 1763 appraisal containing architectural data.

In sum, Antonio de Averó's houses were PM:81, 64, and 68 (according to size), correlated to Rocque:5, 45, and 42. Her largest was PM:81 - Rocque:5, a house she inherited either from her parents or her first husband, Josef Guillen. The house was turned over to Fish, who in turn had to give it to the English government, which made a Minorcan chapel out of it. At the return of the Spaniards it went back to an Averó descendent who lost it at an auction and failed to recover the title, but in subsequent years regained the house through possible repurchase. Her middle-sized house was PM:64 - Rocque:45 which she must have inherited from her second husband, Joaquin Blanco. This house, too, went to Fish after the 1763 evacuation and

later was sold with proper deed to a Spanish captain of artillery called Joseph de Salcedo. The property was never regained, temporarily or permanently, by the Averos and their descendents. The smallest of Antonia's three houses was PM:68 - Rocque: 42. This was the Rodriguez house which she had inherited in 1762. It passed into Fish's hands at the evacuation of 1763 and returned temporarily to the Avero family at the time of the return in 1783. It was auctioned off in 1791 and was never regained by Antonia Avero and her descendents. The house was located next to what is known as the Arrivas house.

XI. *Ursula.*

There was a man named Arrivas who played a part in the Avero story and cluster. He was the husband of the sixth Avero girl, called Ursula, born on October 30, 1723. Ursula de Avero was the sister of Antonia, the third Avero daughter. The fourth daughter was Manuela, born in 1719, and married at the age of seventeen to a native St. Augustinian called Marcos Rosendo. We know nothing of this family except that they had two children, born in 1737 and 1741. We have no data on their house. They did not form part of the family complex or cluster. After 1741, no new births are recorded, and they therefore fade out of the picture at this date. Since St. Augustine burial records are unsatisfactory, and since many are missing, it is conceivable that death wiped out the family.

The fifth child was, finally, a boy, called Francisco Gabriel, born in 1721; but he too immediately disappeared from the historical documents. He certainly died at an early age.

This leads to the sixth child, Ursula, married to Arrivas. At the time of the 1763 evacuation Ursula was listed as living with her husband, Raymundo de Arrivas, in the house identified by Puente as number 67 (PM: 67). The house was due north of the old Rodriguez house inherited by Antonia de Avero (PM: 68), next to Alfonsa de Avero's house (PM:66), and across from Antonia's large house (PM:81) and the home of Juana de Avero and her soldier husband, Geronimo de Hita (PM:80). But Sr. Arrivas was not the first husband of Ursula. As all her sisters, she too had married a second time after a short period of widowhood.

SAINT AUGUSTINE FAMILY WITH MANY DAUGHTERS 27

Ursula married at the usual age of fifteen the dashing infantry lieutenant Diego Repilado, a native of Palermo in Sicily, but of Spanish parents from Estremadura. In modern slang, Ursula made a good catch. The Repilados, between the years 1738 and 1746, had five children. But beginning in 1745, disaster invaded the happy Repilado home. Ursula delivered her fifth child on December 1, 1745, and buried it twenty-five days later. On March 10, 1746, another daughter died, and the next year her husband, Diego Repilado, passed away.

Ursula de Averó remained a widow for only a brief time. In August, 1748, she married another army officer called Raymundo (also spelled Raimundo) de Arrivas. He was a peninsular from Arabelo. In 1752, he was a second lieutenant of the Second Infantry Company. By 1759, Arrivas had been promoted to First Lieutenant with a salary of 528 pesos a year. In 1764, Juan Joseph Elixio de la Puente identified Arrivas with the same rank and the same pay as in 1759. The Arrivas had six accounted children, which gave Ursula a total of eleven births. Puente had the family living in house number 67, composed of two structures.

XII. *An Arrivas House?*

With regard to this house (PM:67), the usual question arises. Was it an Arrivas house into which Ursula moved or was it an Averó house into which Arrivas moved? A third possibility arises: did Ursula inherit the house from her first husband, Sr. Repilado? Documents provide no answer, as neither Ursula nor her descendents claimed the house. It slipped again into the hands of the Averó descendents due to the shrewd manipulations of Tadeo Arrivas. He was the last son of Ursula and Lieutenant Arrivas and was born in Cuba. Tadeo went to Florida during the second Spanish occupation and held key positions in the administrative apparatus. Fish, who had acquired the house of Ursula and Arrivas, lost it after his death to Tadeo, who without regaining a permanent deed lived in it with his charming wife Maria Garcia Perpall. It was Tadeo de Arrivas who handled the Antonia de Averó legal suit to reclaim her three houses, since he was her nephew. But Tadeo Arrivas, who told us so much about his aunt Antonia's life and property, failed to cite

information about the house of his mother and father (PM:67). More indirect information, hearsay and legend, has come from the Repilados.

About ten years ago a member of the Repilado family of Santiago de Cuba came to St. Augustine to consult the St. Augustine Historical Society about genealogical data of his forefathers. The modern Repilados of Santiago de Cuba claim to be descendents of Diego de Repilado and Ursula de Averó. They talked of an old Repilado house in St. Augustine. No documentary data was provided, but it is quite conceivable that the Arrivas house of 1763 was the Repilado house which fell into Ursula's hand by inheritance, repeating the pattern of her older sisters. The answer might lie in Cuban archives.

At any rate, the Ursula case completes the Averó cluster or complex. * Her house, inherited from Repilado, Arrivas, or constructed by the Averó family, is the very heart of the Averó complex, surrounded north, south, and east, by other Averó houses. Its reconstruction will recreate the Averó house *per se*, a monument to a typical Spanish colonial family of Spanish Florida, with a typical life of typical ambitions, happinesses, sorrows, mores, and idiosyncrasies. They had no sons, valued so much in the Spanish colonial social structures, but they had many daughters, and their purpose was to marry and bear children in order to make up in number and material acquisitions the loss of the Averó name.

XII. *An Average Family in an Average Setting!*

What does the Averó family, its daughters and its houses, insignificant facets in the vastness of Florida history, mean to historians and other interested social scientists? First of all, it represents a case study, which has become popular not only in the fields of sociology and anthropology, but also in history. Naturally no standard criteria were used to select this particular family of this particular period. The St. Augustine Historical Restoration and Preservation Commission, which is a state commission created by the 1959 Florida Legislature, purchased a

* A sixth daughter called Maria was born on January 17, 1726. Nothing more is heard about her. She must have died during the 1727 epidemic at the tender age of one.

SAINT AUGUSTINE FAMILY WITH MANY DAUGHTERS 29

house standing on the approximate site of PM:67. This house, today's 46 St. George Street, is still known by tradition as the Arrivas House. Documentary research from untapped primary material led to the Averó family and the Averó complex. Therefore, the Averó family case study was a concomitant of the architectural history of St. Augustine. By sheer coincidence the Averó family with its spreading cluster of houses proved to be an ideal case study of historical sociology of Spanish Florida.

St. Augustine was a military town, a *presidio*, totally geared to the garrison. The garrison with its families was the town, the *presidio*. There were no really rich and no really poor people, but by the end of the seventeenth century, once the powerful fort was finished, there was a moderate economic boom. Additional people came to St. Augustine who were not actual members of the garrison but who lived off the military apparatus. Although it is conceivable that they, doing business as petty merchants and the like, were better off financially, these non-military elements failed to achieve the status achieved by and reserved for military rank. Therefore they tried to establish consanguinity through marriage with the military personnel. For similar reasons, the desire to marry a military man was often equaled or outdistanced by the deep wish to marry an outsider, preferably from Spain.

The Averós fitted perfectly into this picture. The patriarchal figure, Victoriano de Averó, was apparently not connected with the garrison. He was an outsider, from the Canary Islands. This is what probably induced Francesca Maria García de Acevedo, the granddaughter of the 1702 siege veteran Juan de Penaloza, to marry him. Then, as might be expected, their daughters very vigorously searched the military rostrum for husbands. Naturally the best marriage was to a military man who came from the outside. Some of the Averó girls managed this.

The Averó family's lack of boys makes it somewhat atypical. At the same time it focuses very clearly the only duty of every colonial Spanish American girl: to marry, have children, and increase the family's real estate by consanguineous connections. While in most colonial areas of Latin America social status was intimately connected with landed estates, such was never true in Spanish Florida, due to military and ecological conditions. Instead, the town house or houses acquired a greater importance

as a symbol of status. The Avero cluster is good proof of this.

The geographical position of a house was in Spanish colonial America just as important as the quality of the building. Those in the best social stratum had their houses on the main square; if possible, near the cathedral. The farther removed they were from the square, the lower the social status they reflected. There is no reason to doubt that this pattern also existed in St. Augustine. Yet the existence of the fort as the main structure in St. Augustine brought a variable factor into the picture. A small cluster of fairly decent houses near the fort indicates that this location was the second best. The Averos were closer to the fort than to the *plaza* and their cluster had expanded only toward the fort, not the main square. This identifies them as an average family, of neither too high nor too low status. Naturally the documents do not provide a conclusive answer to social problems.

There are interesting implications or possible questions that this Avero study provides. It gives us some insight into the status of women in a Spanish garrison town. Yet it leaves open for further research the exact position of St. Augustinian women in Spanish Florida.

The question of marriage for convenience or love remains unanswered by the Avero study, but the early marriage age of the girls plus the high birth rate is clearly shown. The death rate of the Avero girls from childbirth and of the newborn babies is rather low. Why?

The position of women in St. Augustine commerce remains unknown but there are indications that they played a leading role. Other questions, such as mores, education, social activities other than church functions, remain unanswered.

XIV. *Postscript.*

In sum, the Avero cluster and complex proved to be useful not only for architectural information, but it also pointed to interesting new social data of Spanish Florida history. It should encourage further case studies. Such excellent collections as are now available at the P. K. Yonge Library of Florida History at the University of Florida, the Library of the St. Augustine Historical Society, at the Castillo de San Marcos in St. Augustine, and the Department of Agriculture in Tallahassee, can serve as a formidable manuscript reservoir for this type of study. Cuban archives should also contain valuable manuscript material refer-

SAINT AUGUSTINE FAMILY WITH MANY DAUGHTERS 31

ring to the social history of St. Augustine and Florida. It constitutes our biggest gap and therefore is the great untapped source. The East Florida Papers at the Library of Congress remain the greatest documentary jewel for the Second Spanish Period.

The Averos take us from one century to another; from the First Spanish Period, to the English interlude (1763-1783), to the Second Spanish Period. Any historical reconstruction must recapture the atmosphere of these three foreign, distant, and distinct periods. The Averos do it.

ACKNOWLEDGMENTS

The author wishes to express thanks to Mrs. Eleanor Barnes of St. Augustine for valuable genealogical information. Mrs. Doris Wiles, executive assistant and librarian of the St. Augustine Historical Society, was a tremendous help in the preparation of this study. Mrs. Helen Tanner of Ann Arbor gave valuable criticism and advice. A word of thanks is due the late Edward Lawson of St. Augustine, to whose memory I dedicate this modest study. Mr. Lawson, an amateur historian, possessed an unmatched enthusiasm, true historical dedication, refined historical knowledge and an admirable sense of historical perspective. It was from him that I first learned of the interesting pattern of family clusters in colonial St. Augustine. To the staffs of the Field Note Division (Department of Agriculture, Tallahassee), the St. Augustine Historical Society, and the P. K. Yonge Library of Florida History goes a special thanks for making their material available. Thanks are also due to the St. Augustine Historical Restoration and Preservation Commission for sponsoring this research. Drs. Earle Newton and John Dunkle were especially helpful. To my wife, Marjorie, whose faithful dedication to all my research is of irreplaceable value, goes the usual acknowledgment.

BIBLIOGRAPHY

SECONDARY SOURCES

- Arana, Luis R. "The Spanish Infantry: the Queen of Battles in Florida, 1671-1702." Masters thesis, History, University of Florida, 1960.
Arnade, Charles W. "Architectural Information of Early St. Augustine." An unpublished report to the St. Augustine Historical Restoration and Preservation Commission. Gainesville, 1960.

- . *The Siege of St. Augustine in 1702*. Gainesville, 1959.
- Beeson, Kenneth Henry, Jr. "Fromjadas and Indigo. The Minorcan Colony in Florida." Master's thesis, History, University of Florida, 1960.
- Bolton, Herbert E., ed. *Arredondo's Historical Proof of Spain's Title to Georgia*. Berkeley, 1925.
- Hinkley, Nancy E. "The Administration of Don Pablo de Hita Salazar, Governor of Spanish Florida, 1675-1680." Master's thesis, History, University of Florida, 1956.
- Lawson, Edward W. *The Saint Augustine Historical Society and Its Oldest House*. St. Augustine, 1957.
- Manning, Mabel. "The East Florida Papers in the Library of Congress," *Hispanic American Historical Review*, X (1930), 392-397.
- Siebert, Henry Wilbur. *Loyalists in East Florida, 1774 to 1785*. Vol. II: *Records of Their Claims for Losses of Property in the Province*. DeLand, 1929.
- Tanner, Helen H. "The Transition from British to Spanish Rule in East Florida, 1783-1785." Master's thesis, History, University of Florida, 1945.
- TePaske, John J. "The Governorship of Spanish Florida, 1700-1763." Ph.D. dissertation, History, Duke University, 1959.
- Tratado definitivo de Paz . . . en Paris a 10 de Febrero de 1763 con sus articulos preliminares*. . . . Madrid, 1763.

PRIMARY SOURCES (by chronology)

- St. Augustine Cathedral Parish Records: Baptisms, Marriages, Burials, 1594-1804 [parts missing: for example, burials between 1638 and 1720 lost]. Well classified photostats available at the St. Augustine Historical Society. Originals at the library of the University of Notre Dame.
- Governor Francisco de la Guerra y de la Vega to the Crown. Madrid, Jan. 25, 1673. 4 folios. AGI: 58-2-5-2, Stetson Collection, University of Florida (hereafter cited as SC). (Discusses plans to bring Canary Islanders to Florida.)
- Governor Pablo de Hita y Salazar to the Crown. St. Augustine, Nov. 10, 1678. 5 folios. AGI: 61-6-20-3, SC. (Deals with bringing Canary Islanders to St. Augustine.)
- Governor Juan Marquez Cabrera to the Crown. St. Augustine, Jan. 28, 1682. 29 folios with enclosures. AGI: 54-5-11-85, SC. (Reports a local squabble in which the Hitas, especially the old ex-Governor, are involved.)
- Governor Diego de Quiroga y Losada to the Crown. St. Augustine, April 1, 1688. 4 folios. AGI: 54-5-12-53, SC. (Discusses social tensions: local-born elements vs. outsiders.)
- Joseph de Cobo to Manuel de Aperrigui. Tenerife [in the Canaries]. March 3, 1706. 30 folios, enclosures. AGI: 58-1-35-49, SC. (Deals with the emigration of Canary Islanders to Florida.)
- Governor Francisco de Corcoles y Martinez to the Crown. St. Augustine, Nov. 12, 1707. 4 folios. AGI: 58-1-27-121, SC. (Discusses the 1707 hurricane.)
- Demanda puesta por los Senores Juezes Oficiales de la Real Hacienda contra el exmo. Senor Maestro de Campo General, Don Joseph de Zuniga y La Zerda. . . . Juez de Residencia: Francisco Corcoles y Martinez. Escribano Publico y de Gobernacion: Juan Solana. St. Augustine, 1707. 849 folios. AGI: 58-2-8, SC. (Basic document of the 1702 siege.)
- Francisco de Corcoles y Martinez to the Crown. St. Augustine, Aug. 13, 1709. 28 folios, enclosures. AGI: 58-1-28-66, North Carolina Spanish Record, University of Florida, reel 12. (1702 damage list.)

SAINT AUGUSTINE FAMILY WITH MANY DAUGHTERS 33

- Francisco de Castilla [Contador Interino] to the Crown. St. Augustine, July 3, 1743. 48 folios, enclosures. AGI: 58-1-34-73, SC. (Contains will of the accountant, Francisco Menendez Marques. A typical will by an important St. Augustinian of the eighteenth century.)
- "Noticias del Estado en que Don Josef Antonio Gelabert allo la Real Hacienda de aquella Provincia los anos de 1752 y 59, Medios que propone" Materias de Real Hacienda, Florida. Havana [no date]. 168 folios. AGI: 87-1-14-2, SC.
- "Relacion de todos las Plazas Fortalezas y Presidios que hai al presente en la Jurisdiccion del Gobierno y Capitania General de mi carga" by Governor Lucas de Palazio. St. Augustine, April 26, 1759. 7 folios which are enclosure 5 of "Informe del Tribunal." Mexico, May 14, 1764, 109 folios. AGI: 87-1-14-4, SC.
- "Plano de la Real Fuerza, Baluartes, y Linea de la Plaza de Sn. Augustin de Florida, con su Parroquial Mayor, Convento e Iglesia de San Francisco: Casas, y Solares de los Vecinos; y mas algunas Fabricas y Huertas Extramuros de ella" by Juan Joseph Elixio de la Puente. Drafted in 1763 and dispatched to the Crown in 1764. [The original is located at the Museo Naval of Spain, in Madrid. Also available in the Buckingham Smith Papers of the New York Historical Society.] (1763-1764 Puente Map.)
- "Accounts of Jesse Fish." Serial no. 319. Dates: 1763-1770. 1 box. East Florida Papers, Library of Congress.
- "Inventory of the ornaments, altars, images, bells, and valuable belongings to the Parochial Church and Brotherhoods of the Presidio of St. Augustine, signed by Doctor Juan Morel Telles, priest of the greater parochial church of St. Christopher of this city of Havana, Feb. 6, 1764." Available in the [Wilbur Henry] Siebert typescript translations at the St. Augustine Historical Society. (Contains information about Raymundo Arrivas.)
- "Documents Relative to [the] Sale of Spanish Properties in St. Augustine, Florida, by Juan Joseph Elixio de la Puente in 1764." Translated by Edward W. Lawson in 1956. 28 typescript pp. Available at the St. Augustine Historical Society.
- "Cuenta y relacion jurada presentada por Don Joaquin Blanco Guarda Almasen que fue de la Florida corriente de 2 de Julio de 1757 hasta fines de Diciembre de 1763." Havana, Dec. 6, 1765. 52 folios. AGI: 87-3-27-A (Santo Domingo: 2663), SC. (Shows the position and duties of Joaquin Blanco.)
- Juan Joseph Elixio de la Puente to Antonio Maria Bucareli [Viceroy of New Mexico]. Havana, Sept. 26, 1766. 51 folios. AGI: 87-1-5-3, SC. (1763 exodus and transfer reports.)
- Pedro Camps. "Golden Book of the Minorcans, 1768-1827." 385 folios. Cathedral Archives, St. Augustine, Fla. [Also known as Father Camps' Register.]
- Juan Joseph Elixio de la Puente. Report of May 8, 1770, written in Havana [no forwarding address given]. 70 folios. AGI: 87-1-5-4-5-6, SC. (1763 exodus and transfer reports.)
- Juan Joseph Elixio de la Puente to the Marques de la Torre [Governor of Havana]. Havana, March 4, 1772. Filed under Marques de la Torre to Sr. B.^o Fr. D.ⁿ Julian de Arriaga [of the Council of Indies]. Havana, May 18, 1772. 66 folios. AGI: 86-7-11-24, St. Augustine Historical Society. (1763 exodus and transfer reports.)
- Escrituras of 1784-1787, 1791, 1803-1806, 1813-1814, 1815. Serial nos. 366-369, 371-373, 375-376, 378-380. 12 boxes. East Florida Papers, Library of Congress. Translated typewritten briefs available, plus some of the originals (on microfilm) at the St. Augustine Historical Society. (Local city records of the Second Spanish Period.)

Mariano Rocque. "Descripcion de Plano Particular de la Ciudad de San Agustin de la Florida en tal ano de 1788." St. Augustine, April 25, 1788. 21 folios. Film file 4.3, microdex 1, Field Note Division, Department of Agriculture (Tallahassee), State of Florida. (Original Rocque key to his 1788 map.)

"Plano Particular de la Ciudad de Sn. Augustin de la Florida con el detall de sus Mansanas, Casas y Solares, Castillo, Quarteles y Pabellones segun en la situacion que se hallaba en primero de Abril del Corriente ano." Original in the East Florida Papers (Library of Congress), Serial no. 176: Public Buildings, Fortifications and Defense. Copies available at the St. Augustine Historical Society, Castillo de San Marcos, and St. Augustine Historical Restoration and Preservation Commission. (1788 Rocque Map.)

"Inventorios, tasaciones, y venta en publico remate de las casas y solares del Rev." Florida, 1790. [Done at the request of Governor Juan Quesada; known as the Quesada Inventory of 1790.] 72 folios. Filmfile 4.3, microdex 1, Field Note Division, Department of Agriculture (Tallahassee), State of Florida.

"Concurso de Acredetores causado por fallecimiento del Britanico D. Jesse Fish. Florida ano 1790." In Testamentary Proceedings, East Florida Papers, Library of Congress. Microfilm available at the St. Augustine Historical Society: Boxes 18-21, reel 5. (Legal implications of Fish's death.)

"Dona Antonia de Avero sobre reasumir sus Casas, y posesiones con lo demas que de los Autos consta. Florida. Ano de 1793." 86 folios. No. 19, Bundle no. 320; City Lots: St Augustine; Field Note Division, Department of Agriculture (Tallahassee), State of Florida. (Basic document [*legajo*] for this essay.)

"1793 Census List." 50 folios. Serial no. 323A: Census Returns. Dates: 1784-1814. 2 boxes. East Florida Papers, Library of Congress.

"Diligencias promovidas por Dona Eugenia de Hita y Salazar, sobre dejar una casa del Rey que havita, y remato en publico subasto D. Romnaldo Micklaszuicich, nuebo problador el ocho de Abril de mil setcienos nobenta y uno, dejandose la encargada quando se ausento de esta plaza. Florida, ano 1793." 41 folios. No. 19, Bundle no. 320; City Lots: St. Augustine; Field Note Division, Department of Agriculture (Tallahassee), State of Florida.

"Assessors Inventory of 1800." 110 typewritten pp. at St. Augustine Historical Society. Original in Serial no. 320: Assessors Inventory. Dates: 1 box. East Florida Papers, Library of Congress.

ZORA NEALE HURSTON

by Theodore Pratt

For many years, when giving talks in Florida, I have pointed out that there is only one first-class native-born Florida author who has written any even small body of work about the state. Marjorie Kinnan Rawlings, Philip Wylie, and all the others were born elsewhere and adopted the Florida scene. The exception was Zora Neale Hurston. Seldom, on inquiry, had any of the audiences ever heard of her or known any of her work. At that point I revealed to the white southern audiences that Zora was a Negro. As I announced this I looked around for the nearest exit. I never had to use the exit, and when I told this to Zora she roared with laughter.

On February 3, 1960, at age 52, Zora died in Fort Pierce, Florida, in poverty and obscurity.

She is a prime example of the excellent American writer who, in our smash-hit or virtually nothing kind of literary civilization, gets lost in the shuffle. Far more recognition should be given to such writers, and I ask permission to give this to Zora.

I regard her early books, *Their Eyes Were Watching God* (1937), *Jonah's Gourd Vine* (1934), and the Florida parts of *Mules and Men* (1939), depicting life in the turpentine camps, to be in the top rung of American writing, certainly as good as anything anyone has ever written about Florida. And take another look at those titles. They are as exceptional as the wonderful imagery she possessed and gave to her readers, as real as the hurricane - from the viewpoint of the Negro - which she pictured among her people in the vegetable raising district around Lake Okeechobee.

Zora not only could write but knew what she was writing about. Her autobiography, *Dust Tracks On A Road* (1942), won an Anisfield Award for better race relationships. She knew how to express herself. The peak of her economic career - and it was Mt. Everest rising from the plain - was the short period during which she worked as a writer at Paramount in Hollywood. When I asked her what she thought of California she wrote back, true to her native Florida, "I like my land lying down."



How did this girl, born (without her permission in possession of a black skin) in a backwoods Florida town, make a place for herself in the world? Her handicaps would seem to be almost insurmountable. Eatonville, her birthplace, is a remote community of a few hundred Negro people in north-central Florida, not far from Orlando. It is a place of dirt streets, incredibly colorful Negro cabins set beautifully beneath towering live oaks dripping with long beards of Spanish moss. It was the first incorporated Negro town in the United States and one of the very few which is entirely Negro.

Zora's father was a Baptist minister. He was able to augment her primary education to such an extent that she was able to work her way through two years at Howard University in Washington, D. C., by serving as a maid. Then she won a scholarship for two more years at Barnard College and became the second

Negro to be graduated from that school. During this period she supported herself by being secretary to Fannie Hurst. When she and Miss Hurst travelled and wanted to eat in restaurants from which Negroes were barred Miss Hurst introduced Zora, with an air of great mystery and vast importance, as "The Princess Zora," and there was never any difficulty, it being assumed that Zora must be royalty from the Far East.

After Barnard, Zora studied anthropology for three years, working under Dr. Franz Boaz, and for this work Morgan College at Howard conferred upon her the degree of Litt. D. She worked in the anthropological field off and on for most of her life. Her studies and reports on voodoo in the United States and Haiti are definitive on the subject, and one of them, when her research penetrated too far, nearly got her killed. Meanwhile she also wrote on general subjects, and her writings included novels. To live during this usually penurious period she taught at North Carolina College for Negroes. During these years she was also awarded two Guggenheim Fellowships and a Rosenwald Grant.

Zora was rather short and squat, and black as coal. She didn't look and sound much like a Doctor of Literature, but more as though she could do a good day's washing. She was filled with an effervescence for life seldom seen in the human race. She had an abrupt, explosive laugh that burst like a bomb. She always had some new idea or project she enthused over. Some she actually carried out. It was both exhilarating and tiring to be with her, for she caught you up in her ideas to the point of exhaustion she herself never seemed to feel.

She was absolutely and completely improvident. Saving what little money she ever earned was a repugnant idea to her. When she did save, it was to pay for some new project, such as an abortive one of mystery involving an expedition to Honduras, which she financed, and from which she returned flat broke. I never could find out just what that project was about. Probably it was one of the hare-brained kind she sometimes developed.

She couldn't help being sensitive of the color line, but her sensitiveness was of another kind than the usual. It was never bitter. She was always proud of being a Negro and once told me, she wouldn't be white for anything in the world. She wrote in her autobiography:

"My own circumference of life is there . . . I give you all my

right hand of fellowship and love, and hope for the same from you. In my eyesight you lose nothing by not looking just like me You, who play the zig-zag lightning of power over the world, with the grumbling thunder in your wake, think kindly of those who walk in the dust. And you who walk in humble places, think kindly, too, of others. . . . Consider that with tolerance and patience, we godly demons may breed a noble world in a few hundred generations or so."

Zora not only preached this with some biting irony, but also carried it out gently in the life she loved to live with zest. Once, when she was visiting me and my wife at our Florida home and we had asked her to stay to dinner, while the meal was being prepared a white caller came to the door. Zora, seeing him before we did, stepped away so that the man would not see her. Afterward, we told her that she need not have done this. She said that she didn't want to take any chance of embarrassing us.

We did not always get on as well as that. After the Honduras debacle, she wrote to me from Miami that she did not have eating money, but she had the promise of a job in New York if she could raise the fare to get there. I sent her a few dollars and advised friends in Miami of her plight. They got together and raised enough for her fare. Instead of using it for the avowed purpose, she did not go, but remained in Miami. When I remonstrated with such behavior and scolded her, she wrote back that she had read, just at that time, that I was going through the trying process of having a book published. Because of this she understood why I was so testy, and she forgave me for being put out with her.

At the time I was prone to think that perhaps too many scholarships and fellowships and grants might have been given her, generating the conviction that others should support her, and that there should be a limit to such grants. Perhaps. I don't know. I got over my aggrievement when I learned, with amusement, that she had gone to work in a Miami Beach house as a domestic, and that her employers one day had found out who she was by reading an article she had written in a copy of *The Saturday Evening Post* on their living-room table.

Then I remembered how, one day, she had shown a single spark of defeatism over her color; she had told me she had written an article but she didn't think that *The Saturday Evening*

Post would buy one from a Negro. I told her that was the only stupid thing I had ever heard her say. Because of it I wouldn't write a note to The Post for her, for if I did and her article was accepted she might, even erroneously, have some question in her mind. She was to send it to them and find out for herself. The Post bought that article and others.

Commercial writing, however, did not consistently appeal to Zora, because she didn't care enough about making money. Still filled with ideas and schemes rarely based upon getting rich, she drifted to the Fort Pierce area of Florida. During her two last years she earned a precarious living as a substitute teacher at Lincoln Park Academy there, and contributed to the local Negro paper, *The Chronicle*. Then she had a stroke that halted work on a new book she was writing. She spent the last months of her life in a county home.

Her funeral at a tiny Negro funeral home in Fort Pierce was attended by over 100 people, sixteen of them white. The mourners overflowed the small hall out onto the porch and then into the yard. There was a little printed program entitled "Funeral Rites of the late Zora Neale Hurston," which offered a brief biography, the order of the service, and the names of the pallbearers and flower girls, who were some of her students. Expenses were paid by contributions, many from those who never knew her.

The local Negro population did not need a white Florida writer to be there to speak an appreciation to tell them who Zora Neale Hurston was. She was someone they may not have understood too well but they knew she had pulled herself up by her bootstraps and done something not many white people ever do.

The wonderful understanding of Negroes for the human race, born perhaps of their necessity to tolerate it, was never better expressed than at Zora's funeral when these people, among whom she had lived so briefly, nevertheless stood by one of their own. The editor of the paper for which she worked said, "Zora Neale went about and didn't care too much how she looked. Or what she said. Maybe people didn't think so much of that. But Zora Neale, every time she went about, had something to offer. She didn't come to you empty."

The minister said, "When people learned I was going to preach about her they asked me, 'What can you find to say?'

Well, I can find a lot of things. They said she couldn't become a writer recognized by the world. But she did it. The Miami paper said she died poor. But she died rich. She did something."

The main hymn sung at the service was "He'll Understand and Say Well Done," an exact appraisal of the situation. The single jarring thing, and that meant reverently, was the way they dressed her, in a short frilly pink dressing-gown with frothy pink mules on her feet, an incongruous garb for one so real and earthy. I can hear Zora herself commenting on it and saying she wouldn't be caught dead in such an outfit. I am sure she would have added her favorite statement, as she loved to roar gleefully, "I ain't got but two things to do - stay black and die!"

She has achieved her purpose, part of it with some magnificent writing. She is out of circulation and all her books are out of print. One cannot be rectified. The other should be.

THE ARMED OCCUPATION ACT OF 1842

by JAMES W. COVINGTON

THROUGHOUT THE HISTORY of advancing frontiers in many parts of the world there have been attractive offers of free land to brave and fool-hardy persons who would live at the dangerous edge of the advancing settlements. Such an offer was made to the retiring Roman legionnaires in the hope that they would live near the frontier line in Gaul and elsewhere and serve as added protection against the warlike German tribes. In 1630, a large tract of land was offered to each commander and fifty acres to other persons who would settle near the dangerous Pamunkey tribe in Virginia, and serve as a buffer against attacks by these warlike Indians. In 1636, John Chew and his nine associates were given a patent to five hundred acres in this section.¹ In 1653, the Virginia Assembly offered ten thousand acres in the valley of the Roanoke, or Moratock, River to any group who would establish a defensive position and secure sufficient arms and ammunition to defend it.² Thus at this early date in American history we can see formulated the principle of offering free land to those who have the courage to settle in relatively dangerous areas.

In 1840 the Territory of Florida certainly needed the application of such a principle as a stimulus to immigration. The most fertile lands lying to the westward in Ohio, Michigan, Illinois, Mississippi, and Alabama had attracted the vast bulk of the frontier migratory wave and the Florida peninsula had been bypassed. A few figures from the census records of 1830 and 1840 will lend support to this statement:

	1830	1840
Alabama	309,527	590,756
Mississippi	136,621	375,651
Michigan	31,639	212,267
Illinois	157,445	476,183
Ohio	937,903	1,519,467
Florida	34,730	54,477

1. Philip A. Bruce, *Economic History of Virginia in the Seventeenth Century* (New York, 1934), I, 510.
2. *Ibid.*, 511.

The principal deterrent to settlement in Florida at this time was the long and costly Second Seminole War (1835-1842). Although fighting was reduced to a series of soldiers chasing Indian episodes by the winter of 1837, immigrants just would not come to Florida in great numbers and those who came remained some distance from where the Seminoles might be found.

The first to come forth with a plan to assist the population of Florida make a great leap forward was Senator Thomas Hart Benton of Missouri. In 1840, he introduced the Armed Occupation Bill, a measure which would have provided land, weapons, and food for the prospective settlers. In his introductory speech, the Senator from Missouri made the following points:

Armed occupation, with land to the occupant, is the true way of settling and holding a conquered country. It is the way which has been followed in all ages and in all countries from the time that children of Israel entered the promised land with the implements of husbandry in one hand, and the weapons of war in the other. From that day to this, all conquered countries have been settled in that way . . . the peninsula of Florida is now prepared for this armed settlement: the enemy has been driven out of the field. He lurks an unseen foe in the swamps and hammocks. . . . We want people to take possession and to keep possession; and the armed cultivator is the man for that. The blockhouse is the first house to be built in Indian country; the stockade is the first fence to be put up . . . the heart of the Indian sickens when he hears the crowing of the cock, the barking of the dog, the sound of the axe and the crack of the rifle. They are the true evidences of the dominion of the white man; these are the proof that the owner has come, and means to stay; and then they feel it is time for them to go.³

In spite of Benton's fine speech, determined opposition by Southerners including Senators Robert Strange (North Carolina), John C. Crittenden (Kentucky), and William Preston (South Carolina), defeated the measure. Benton addressed the Senate on January 12, 1840, and accused the large slaveholders and speculators of desiring all the good land for themselves and preferring soldiers to settlers: "This is an additional reason for me to place meritorious cultivators upon soil to defend it both from

3. Thomas H. Benton, *Thirty Years' View* (New York, 1856), II, 167-169.

Indians and speculators. It is cheap, efficient and humane.”⁴

The next notice concerning a policy of armed occupation came on May 10, 1842, when President John Tyler announced the termination of the Second Seminole War. He stated that there were only about eighty adult male Seminole Indians remaining in Florida and peaceful pressure should be exerted for their migration to Oklahoma. In the several sentences concluding Tyler's message, he expressed the hope that settlers could move to Florida and be provided with food for the period of one year.⁵ Powder and guns might be loaned to the hardy pioneers from the government's warehouses so that the settlers would be able to protect themselves from possible attack.

There had been a trickle of settlers southward even before Tyler's May, 1842, announcement. In March, 1842, the *St. Augustine News* reported twenty-three settlers bound for the Withlacoochee River and Clearwater Harbor.⁶ They were reported to be the first settlers moving south of the Withlacoochee since 1835. They planned to erect a blockhouse at first and use it as a rallying point. Many of these settlers took their slaves along with them.

The United States Army had helped promote some immigration into Central Florida, perhaps in anticipation of the presidential announcement. Donald Stewart had come under this military-sponsored plan *via* a steamboat full of crying children and grunting pigs up the St. John's River to Fort Mellon. He was fortunate in having his ten by fourteen foot cypress log cabin finished first, and seemed happy in Florida.⁷ Most of the settlers under this plan became discouraged after the army had reduced its forces, closed many outposts, and became unable to supply them with food or provide protection.

Delegate to Congress David Levy (Florida) was not very pleased with the President's message. He noted that the seven year war which had cost millions had been terminated, and yet much of the disrupted land was still in the hands of the enemy. He read to the House of Representatives a letter from Secretary of War

4. *Journal, United States Senate*, 26th Congress, 2nd sess. (Washington, 1840), 12.

5. James D. Richardson, *A Compilation of the Messages and Papers of the Presidents* (New York, 1897), V, 2007-2008.

6. *Saint Augustine News*, March 26, 1842.

7. Letter of Donald Stewart, May 10, 1842, in *ibid.*, May 28, 1842.

John C. Spencer in which the federal official advocated the use of armed families who would settle in Florida on federal land and be given a supply of provisions for one year and a guarantee that arms and ammunition would be loaned to the pioneers from the military warehouses.⁸

To Levy it was foolish to declare a war at an end when weekly raids were still being undertaken by the Indians. He related how, during the past month, the Seminoles in separate raids had: wounded three men, killed a man and a mule, killed two Negroes, and shot one soldier. Levy read to the assembled Congressmen a clipping from the Tallahassee *Floridian* April 16, 1842, giving a report of a military expedition along the Suwanee and Apalachicola rivers.

Thomas Hart Benton, determined person that he was, introduced the Armed Occupation Act with some modification again in June, 1842. According to the version presented to the Senate, the United States Government would provide arms and ammunition to the settlers during their first year's residence on selected tracts of land. Determined opposition began to form against the bill as before, but Benton received more support this time from the Senators representing the southern states. The measure had cleared Benton's Committee of Military Affairs without suffering much damage on June 2, 1842, but several Senators were able to make hard hitting statements against it on the Senate floor when the bill was returned from committee. An amendment providing for the arming of the settlers was defeated.⁹

The bill passed the Senate by a vote of twenty-four to sixteen, with the support for the Armed Occupation Bill coming mostly from the South and West. Foes of the measure were mostly from the Northeast, but included scattered support from other areas. Benton had led the debate in support of the measure and Daniel Webster led the attack against it.

The measure passed the House eighty-two to fifty. The section dealing with free rations and loan of weapons was elimi-

8. *Congressional Globe*, House of Representatives, May 16, 1842, 27 Congress, 2nd sess. (Washington, 1842), 502.

9. *Congressional Globe*, Senate, June 13, 1842, 27 Congress, 2nd sess. (Washington, 1842), 624. Senator Preston supported the Armed Occupation Bill, pointing out that should the measure prove effective, ten acres could be sold later for each one given away free to the armed occupants.

nated, however, and the Senate approved the House version. John Quincy Adams from Massachusetts and William Johnson from Maryland representing the abolitionist Whigs had led a bitter fight against the bill, but the non-voting Florida delegate, David Levy, supported by Southerners and Westerners, won the day.¹⁰

The act was signed on August 4, 1842.¹¹ The act stated that a 200,000 acre area south of present-day Gainesville was open for settlement. This law stipulated that one hundred and sixty acres would be given to any head of family or single man over eighteen who was able to bear arms, and he was required to live on the land in a house fit for habitation during five consecutive years and cultivate at least five acres.

What this law really meant was that a huge "grab-bag of land" extending from present-day Gainesville and St. Augustine to the Peace River was open to settlement by an adventurer who was willing to risk the wrath of the Seminoles. The only conditions limiting his selection were that he could not claim a site on the coastal islands or settle on a private claim previously established or claim land within two miles of a fort. The area south of Peace River was declared out of bounds as it included the Indian reservation section. A two hundred thousand acre limit was placed upon total selections from the open area.

When the news that the Armed Occupation Act had been passed reached Florida, some hardy pioneers put into action some plans previously drawn. Those living in the area, of course, had known about the best locations and now were ready to make their claims for the desirable sites. Maximo Hernandez, who had operated a fishing camp at the tip of Pinellas Peninsula, secured a legal title for his operations by application under the act.

10. Opponents of David Levy argued that he had dragged his heels while supporting the measure but evidence presented in the March 13, 1843, and April 17, 1843, issues of the *Florida Herald* and records of the debates in the House of Representatives demonstrate clearly that Levy was the prime mover in helping the bill clear the House. A county created in 1845 was named in honor of Levy and still bears that name. Benton, however, did not have such good fortune. Hernando County was renamed Benton March, 1844, in memory of the good work done by the Senator. However, in 1850 when he took the "wrong" side of the slavery issue in the western territories, the honor was taken away and Benton County became again Hernando County.

11. *5 United States Statutes at Large*, 502. The area open to settlement was situated south of a line dividing Townships Nine and Ten South and East of Base Line. This act was corrected on June 15, 1844, *5 United States Statutes at Large*, 671.

In like manner, Levi Collar, one of the first Anglo-Saxon settlers in Hillsborough County, filed a claim for land along Rocky Creek. Levi Collar originally came to Tampa in 1824 from Alachua County and established his first home at Six Mile Creek - then known as Collar Creek. Many of the former servicemen at Fort Brooke, Fort Marion, and other military posts made applications for land which they had previously observed and desired.

The ones who had exerted themselves the most for land claims were those applicants living at the time in northern Florida or in Georgia, Alabama, or the Carolinas. Some were able to make use of water transportation and disembark at a sea or river port not far from the desired property, but the majority of settlers made their way by land into the tract from the northern Florida counties and nearby states.¹²

By June, 1843, it was estimated that half of the applicants had come from outside Florida - the Carolinas, Georgia, and Alabama.¹³ Sometimes a solitary man or small groups of men fought their way through the thick hammocks and lowlands to select a site and then returned for their families.¹⁴ Meager possessions and a supply of corn and sweet potatoes were loaded into the ox-drawn carts and the procession headed for middle and southern Florida.

Several men probably guided the group by going ahead on horseback. A small herd of cattle, guarded by men armed with muskets and accompanied by a pack of ever present dogs, may have followed the entire procession. The men usually rode on horseback; the women and babies were transported in the wagons or carts and the children walked.

After a site had been selected, it was necessary for a person to travel either to the Land Office at Newnansville or at St. Augustine to file a claim. Persons living in southwestern and central Florida usually obtained their permit for settlement at Newnansville while those living along the Atlantic coast and in the St. Johns and Indian River sections traveled to St. Augustine. At this time Newnansville was a town of about one thousand

12. Lillie B. McDuffie, *Lures of the Manatee* (Manatee, 1933), 24.

13. *Florida Herald*, June 5, 1843.

14. Article by Albert De Vane in "Pioneer Florida," *Tampa Sunday Tribune*, April 29, 1956.

persons and contained several stores.¹⁵ This now extinct town was situated ten miles northwest of Gainesville.

Since a trip by land in those times was indeed a tedious journey, it was not deemed necessary to visit the Land Office in person. We have only to look at the experience of one man who took two weeks to travel from the area of present-day Bradenton to Newnansville and return to understand why such a practice was permitted.¹⁶ Consequently, one person would volunteer to carry several friends' applications for permit along with him when he traveled to the Land Office. The record permit carrier from the Bradenton area was Isaac Garrison, who took approximately one hundred permits to Newnansville for processing.

One applicant from the present-day Brooksville section wrote the following letter to the land office at Newnansville:

"I have come from North Carolina with two good guns and several hundred pounds of ammunition. I pitched my tent and started to work to make land worth defending. Hope you issue permit and give it to bearer. Signed, Jeremiah Dodson."¹⁷

Most desirable land sites included old Indian fields, rich hammock land, and the Alafia, St. John's, Hillsborough, and Manatee river valleys. Due to the great distances from claimed sites to land offices, a strange pattern of applications developed. The first application was filed on October 11, 1842, at the St. Augustine office by Frederick Weedon. Two applications were filed in November, seven in December, ten in January, eight in February, and thirty in March. Elias Hart filed the first application at Newnansville on December 15. There were thirty-three applications in December, one hundred fifty in January, two in February, one hundred thirty-eight in March, and fifty in April.¹⁸

During the nine month period in which this law was in effect 1,312 permits were issued; nine hundred and forty-two at Newnansville and three hundred and seventy at St. Augustine. We shall discuss the ones disallowed a little later, but of those not

15. Malachi Hagan's letter dated November, 1839, and printed in "Pioneer Florida," Tampa *Sunday Tribune*, March 1, 1959.

16. Madam Atzeroth, article in "Pioneer Florida," Tampa *Sunday Tribune*, August 22, 1954.

17. Letter of Jeremiah Dodson dated June 14, 1843, in *Florida Herald*, July 17, 1843.

18. The complete list of permits granted, person who carried the permit, and place of settlement may be seen in *Senate Executive Document No. 38*, 30th Congress, 1st session.

annulled, 1,184 permits were issued for a total of 189,440 of the 200,000 acres available.

Although the bulk of the applicants desired land in the western and central part of the peninsula, there was some interest displayed in the Atlantic coastal section. "In 1854, when Volusia County was created, nearly all of the fifty property holders had obtained 160 acres of land from the government under the Armed Occupation Act of 1842."¹⁹

In applying for the land an affidavit had to be filled out and sworn before a justice of the peace stating: (1) how long applicant had been a resident of Florida, (2) that claimed land was not within two miles of permanent military post and did not interfere with prior private claims. The site had to be specified either by township section, or, if unsurveyed, by some natural object. Many filed in this vague way - "near Fort Sullivan - near Boca Grande, near Homosassa river, near Big Negro Old Field, or Powel's Town." After this application was presented at the Land Office a permit was issued.

Within six months after the expiration of the act, certain details concerning proof of settlement had to be presented to the Land Office. The necessary information included: date of crop cultivation, kind of crop, number of acres in cultivation, type of house, number and description of inhabitants, and proof of settlement.²⁰

Although the Armed Occupation Act was signed on August 4, 1842, and an end to the Indian war had been proclaimed by President John Tyler in May, 1842, the majority of the settlers could not take advantage of the act's provisions during 1842. One reason was that no one told the Indians that the war had ceased. As late as September, 1842, an entire family was wiped out by Indians near Marianna. During the same month Mrs. Charlotte Crum was killed in present-day Hernando County.²¹

On August 14, 1842, the troops in the field were notified that the hostilities were at an end and the Indians were to be

19. Ianthe B. Hebel, *Centennial History of Volusia County, 1854-1954* (Daytona Beach, 1954), 3-4.

20. *Florida Herald*, July 24, 1843. Not all of the settlers were required to submit the necessary information at the same time. Such requests were staggered, and the section and deadline for data was advertised in Florida newspapers.

21. *St. Augustine News*, October 1, 1843.

given temporary use of land for hunting and farming purposes.²² Thus, if it took three months for a message to be transmitted from the President to the troops, we can understand the delay in notifying all of the Seminoles that the fighting had ceased.

The Indian raids both in the Florida panhandle and in central Florida were only temporary flare-ups and did not last very long. The Indians who were doing the killing and destroying in the Florida panhandle were not Seminoles but a group of Creeks from Alabama and Georgia who had fled to the coastal swamps. Within a short time, General Hitchcock secured their surrender and transportation to Oklahoma.²³ By 1843, the Seminoles had visited Tampa and sought permission to shoot the ownerless cattle roaming wild in the prairies; however, their request was denied.²⁴ Thus, the settlers in Central Florida were not subject to any real danger of Indian attack at this time.

Naturally there were to be some problems connected with the large number of applicants and of permits issued. One person wanted 163²⁰/₁₀₀ acres instead of the square 160 acres - his petition was disallowed.²⁵ The question arose concerning the right of a woman to file for land if she had sons and slaves capable of bearing arms. Such permits were approved. The owners of slaves were not allowed to claim land settled and occupied by the slaves. If a person was unlucky enough to occupy land subject to flooding he could not exchange it for higher land. If a person died before his five year period had expired, his heirs were permitted to use his rights. A man was not allowed to cut the trees on his allotment and sell the timber.²⁶ He was however permitted to clear some land and use the logs for construction of a house and fences.

One hundred and twenty-eight of the permits were annulled for various reasons. At least sixty-six sites were abandoned when

22. A copy of General Order 28 dated August 14, 1842, and issued by Colonel William J. Worth may be seen in *Florida Herald*, March 12, 1844. It was summarized in the excellent account of the Second Seminole War by John T. Sprague, *Origin, Progress and Conclusion of the Florida War* (New York, 1848), 485-486.

23. Ethan A. Hitchcock, *Fifty Years in Camp and Field*, edited by W. A. Croffut (New York, 1909), 168-173.

24. *Florida Herald*, July 24, 1843.

25. Letter of Commission of General Land Office, Thomas Blake, March 18, 1843, printed in *Senate Executive Document No. 37*, 30th Congress, 1st Session, 12.

26. *Ibid.*

the applicant found that he could not cope with the Florida frontier wilderness. Other permits were cancelled when it was found that they had been issued for lands already owned by others, or were sites claimed within two miles of a military post, or were on coastal keys and islands which were reserved for military purposes.

Among the settlers of present-day Hernando County we find that at least one was a lawyer and another a doctor. The first church to be established in this area was the Methodist in 1843.²⁷ During 1842-1843 marriages, births and even one murder took place - all of these facts demonstrate that the pioneers were leading average lives.

The successful settlers usually erected their homes near some source of water, and the first houses usually were crude double-pen log houses with palmetto-thatched roofs and detached kitchens. Other buildings erected about the dwelling place included quarters, barns, and smoke houses. The garden in which sweet potatoes, peas, corn, sugar cane, and squash were planted was enclosed by a fence made of sharpened split pickets. The fence was built high and the pickets kept sharpened to prevent deer, rabbits, and other wild life from entering the precious garden. A small herd of cattle fed in the surrounding dense forest and a pack of virtually wild hogs ate acorns and other forest products.²⁸ Chickens were kept mostly for eggs as meat was no problem in the woods full of wild turkey and deer.

One observer perhaps viewed with a jaundiced eye life along the Florida frontier. In a diary written during March, 1853, a correspondent for the New York *Commercial Advertiser* related the following facts about Florida food:

Go out from Tampa 25 miles. Supper served on porch. Venison fried with pork, sweet potatoes, corn bread and arrow root. No tea. No doors to bed chamber and broken shutter attached to window. The air comes in freely through logs.

Second day. Salt and hard bacon, sweet potatoes, corn bread nothing else. Breakfast - hard dried beef fried, half

27. C. T. Jenkins, "Settlement and Latter [*sic*] History of Hernando County" (Bay Port, 1876). Messages sent to the President of the United States, 1876, Library of Congress.

28. Sudie Knight, in "Pioneer Florida," Tampa *Sunday Tribune*, January 1, 1956.

cooked rice, heavy hot cakes, corn bread . . . the best meals are obtained at St. Augustine.²⁹

The Armed Occupation Act was deemed a success in settling central Florida by the federal official in charge of the operation - Commissioner Richard M. Young. He hailed the movement of approximately six thousand persons into an unknown, unsurveyed, and unpopulated district containing few or no roads and no mail facilities as a major successful operation.³⁰ These settlers had been severely handicapped by the heavy rains washing out the primitive roads which were the only link with the outside world but in spite of the many obstacles, they demonstrated their bravery to all by residing near the haunts of seemingly hostile Indians.

According to Governor Thomas Brown of Florida in 1849, the Armed Occupation Act was not able to create a determined band of hard fighting farmers who would fight until the last to protect their land. The governor ruefully admitted: "Settlers under the Armed Occupation Act have neither weapons nor the disposition to use them - not one of ten appearing with arms of any description."³¹ He fortified his observation with an even more startling statement, "If ten warriors break loose they will break up and scatter the entire line of new settlements even if [the settlers] are ten fold in number." The governor could prove his point by recalling the events during a mild Indian scare in 1849, when almost all the interior settlements south of Ocala were abandoned.

Another charge raised against these pioneers was that they in their inexperience had by-passed valuable agricultural lands and settled on lands which were not very productive at all. A letter written to the *Florida Republican* and signed "Actual Settler" described the situation in the following words:

29. Reprinted in *Floridian and Journal* (Tallahassee), June 25, 1853.

30. Commissioner of General Land Office Richard M. Young to Senator Samuel Breese, April 12, 1848, *Senate Executive Document No. 38*, 30th Congress, 1st Session, 1.

31. Governor Thomas Brown to George W. Crawford, Secretary of War, November 29, 1849; *Journal of the Proceedings of the Senate of the General Assembly of State of Florida* (Tallahassee, 1850), 27-28. Captain John Casey, the Seminole Emigration Agent, was greatly surprised to find that many frontier people did not possess a single rifle to defend their cabins from attack. John Casey to General George Gibson, July 29, 1849, *Senate Executive Document No. 49*, 31st Congress, 1st Session, 39.

At the cessation of Indian hostilities, the settlers under the armed occupation act located for the most part on or near the main routes through the interior of the country south of the line designated for such settlers, and the few who turned towards the coast and rivers sought rather for places for towns, healthy residence, islands, etc., than far rich hammock land. To verify this, I need only to mention the fact that there is one hammock of *fifty* square miles without a permit on it; another of *thirty*, and yet another of *fifteen* square miles within the limits herein above mentioned. It is true there were some permits taken out upon the Crystal River, Homossassa, Cheesahowitska, Wekiwachee Rivers, but this may be accounted for from the fact that they were upon one of the routes of travel South. These settlers were, however, of the class who had no experience in planting, no intention of making a permanent settlement, and soon abandoned their places.³²

In spite of certain admitted deficiencies in martial demeanor and selection of proper agricultural land, as demonstrated by the settlers, the Armed Occupation Act must be deemed a success. Those who settled under the terms of the act formed a hard core of pioneer communities extending from Indian River to Tampa Bay, which gradually attracted others into the frontier region. It was these pioneers who constantly complained about the Seminole Indian threat in Florida and finally forced a show-down by reluctant federal officials. In the resulting war (Billy Bowlegs War, 1855-1858) these frontier folk formed the inadequate, poorly diciplined militia companies which by fall, 1857, had developed into praiseworthy Indian fighting units. Their hot pursuit of the Indians into the Big Cypress Swamp and the southwestern part of the present-day Everglades National Park was one of the two principal reasons for the surrender of most of the Indians.³³ Thus the Armed Occupation Act indirectly resulted in the removal from Florida of most of the Seminole Indians.

32. *Florida Republican*, May 9, 1850.

33. These conclusions are reached as a result of a study, still in progress, made concerning the Third Seminole War by the author. He hopes to publish the results within a relatively short time.

SECTIONALISM IN THE PEACE CONVENTION OF 1861 *

by JESSE L. KEENE

WHILE ANGRY CLOUDS gathered in the southern sky and some southern states enacted ordinances of secession providing for funds and cannons, while the people of the North went their way, declaring that only a sprinkle would come from the angry clouds in the South, the appointed state commissioners of twenty-one states assembled at the Willard Hotel in Washington, D. C., February 4, 1861, at 12 o'clock,¹ pursuant to the resolutions adopted by the General Assembly of Virginia, January 19, 1861.²

These Virginia resolutions noted the unhappy controversies that troubled the nation and which might result in its permanent dissolution. The General Assembly extended an invitation to all states, whether slaveholding or non-slaveholding, that were willing to unite with Virginia in a sincere effort to adjust the controversies in the spirit in which the Constitution was originally formed, and consistent with its principles, so as to afford to the people of the slaveholding states adequate guarantees for the security of their rights. Furthermore, the states were requested to appoint commissioners to meet on the 4th of February next in the city of Washington. In the meantime similar commissioners were to be appointed by Virginia to consider, and if possible to agree upon, some suitable adjustment.

After selecting her delegates (ex-President John Tyler, William C. Rives, Judge John W. Brockenborough, George W. Summers, and James A. Seddon), the General Assembly suggested

* This article is based on a doctoral study, "The Peace Convention of 1861" (University of Florida, August, 1955.)

1. Margaret Leech, *Reveille in Washington* (New York, 1941), 7-10, 31-32; L. E. Chittenden (New York, 1891), *Recollections of Abraham Lincoln and his Administration*, 19.

2. *Congressional Globe*, 36th Cong., 2nd Sess., 601; L. E. Chittenden, *Debates and Proceedings . . . of the Conference Convention* (New York, 1864), 9-10; John M. Palmer, *Recollections of John M. Palmer; The Story of an Earnest Life* (Cincinnati, 1901), 84; Lyon Gardiner Tyler, *Letters and Times of the Tylers* (Richmond, 1884), I, 579; Leech; *op. cit.*, 30; *Harpers Magazine* (February, 1861), 547-548.

[53]

that after a full and free conference, if they should agree upon any plan of adjustment requiring amendments of the Federal Constitution, they communicate the proposed amendments to Congress. The General Assembly also went on record in support of the proposals of John J. Crittenden, so modified that the first article proposed as an amendment to the Constitution of the United States should apply to all the territory of the United States south of latitude 36 degrees 30 minutes north and that within this area slavery of the African race should be effectively protected as property during the continuance of territorial government. The fourth article, which would secure to the owners of slaves the right of transit for their slaves through the non-slaveholding states and territories, was to constitute the basis of adjustment of the controversy dividing the states of the Confederacy.³

This invitation from Virginia brought about the attendance of one hundred thirty-one delegates, representing twenty-one states, in the Convention. The other twelve states, among them Florida, were invited to send commissioners to the Convention, but declined to do so. However, the success or failure of this Convention was of great importance to Florida and the other seceded states in the south, and the work of the Convention was followed with great interest. Such was the origin of the Peace Convention, a prelude to the bloody drama that followed.⁴

3. *Ibid.*

4. Chittenden, *Conference Convention*, 456-66; James Fort Rhodes, *History of the United States* (New York, 1912), III, 305; Palmer, *op. cit.*, 84-85. There were twenty-one states represented by a delegation of one hundred thirty-one members. The list of delegates follows:

MAINE: William P. Fessenden, Lot M. Morrill, Daniel E. Somes, John J. Perry, Ezra B. French, Freeman H. Morse, Stephen Coburn, Stephen C. Foster.

NEW HAMPSHIRE: Amos Tuck, Levi Chamberlain, Asa Fowler. VERMONT: Hiland Hall, Levi Underwood, H. Henry Baxter, L. E. Chittenden, B. D. Harris.

MASSACHUSETTS: John Z. Goodrich, Charles Allen, George S. Boutwell, Theophilus P. Chandler, Francis B. Crowninshield, John M. Forbes, Richard P. Waters.

RHODE ISLAND: Samuel Ames, Alexander Duncan, William W. Hoppin, George H. Browne, Samuel G. Arnold.

CONNECTICUT: Roger S. Baldwin, Chauncey F. Cleveland, Charles J. McCurdy, James T. Pratt, Robbins Battell, Amos S. Treat.

NEW YORK: David Dudley Field, William Curtis Noyes, James S. Wadsworth, James C. Smith, Erastus Corning, Francis Granger,

SECTIONALISM IN THE PEACE CONVENTION OF 1861 55

After its organization, and many daily sessions and hours of work, the Committee on Resolutions, which was supposed to report February 8, made its report after a week's delay. Members of the border states had used every argument to impress upon the Republicans the importance of a conciliatory spirit. Some members, influenced by patriotism, moved toward compromise, but were unable to throw off the party fetters.⁵ Chairman Guthrie emphasized that during the discussion the diversity of opinions existing between the members had been discussed in a spirit of candor and conciliation. He admitted that the committee was not able to arrive at a unanimous decision, but a majority had agreed on a report which they maintained presented fair terms of compromise which all the states should accept as conditions for lasting peace. He submitted the following proposals of amendment to the Constitution:

Greene C. Bronson, William E. Dodge, John A. King, John E. Wool, Amaziah B. Jones, Addison Gardner.

NEW JERSEY: Charles S. Olden, Peter D. Vroom, Robert F. Stockton, Benjamin Williamson, Joseph F. Randolph, Frederick T. Frelinghuysen, Rodman M. Price, William C. Alexander, Thomas Stryker.

PENNSYLVANIA: James Pollock, William M. Meredith, David Wilmot, A. M. Loomis, Thomas E. Franklin, William McKennan, Thomas White.

DELAWARE: George B. Rodney, Daniel M. Bates, Henry Ridgely, John W. Houston, William Cannon.

MARYLAND: John F. Dent, Reverdy Johnson, John W. Crisfield, Augustus W. Bradford, William T. Goldsborough, J. Dixon Roman, Benjamin C. Howard.

VIRGINIA: James J. Tyler, William C. Rives, John W. Brockenborough, George W. Summers, James A. Seddon.

NORTH CAROLINA: George Davis, Thomas Ruffin, David S. Reid, David M. Barringer, J. M. Morehead.

TENNESSEE: Samuel Milligan, Josiah M. Anderson, Robert L. Carruthers, Thomas Martin, Isaac R. Hawkins, A. W. C. Tooten, R. J. McKinney, Alvin Cullom, William P. Hickerson, George W. Jones, F. K. Zollicoffer, William H. Stephens.

KENTUCKY: William O. Butler, James B. Clay, Joshua F. Bell, Charles S. Morehead, James Guthrie, Charles A. Wickcliffe.

MISSOURI: John D. Colater, Alexander W. Doniphan, Waldo P. Johnson, Aylett H. Buckner, Morrison Hough.

OHIO: Salmon P. Chase, William S. Groesbeck, Franklin T. Backus, Reuben Hitchcock, Thomas Ewing, V. B. Horton, C. P. Wolcott (vice John C. Wright, deceased).

INDIANA: Caleb B. Smith, Pleasant A. Hackleman, Godlove S. Orth, E. W. H. Ellis, Thomas C. Slaughter.

ILLINOIS: John Wood, Stephen T. Logan, John M. Palmer, Burton C. Cook, Thomas J. Turner.

IOWA: James Harlan, James W. Grimes, Samuel H. Curtis, William Vandever.

KANSAS: Thomas Ewing, Jr., J. C. Stone, H. J. Adams, M. F. Conway.

ARTICLE 1: In all the territory of the United States not embraced within the limits of the Cherokee treaty grant, north of a line from east to west on the parallel of 36 degrees 30 minutes north latitude, involuntary servitude, except in punishment of crime, is prohibited whilst it shall be under a territorial government; and in all the territory south of said line, the status of persons owing service or labor, as it now exists, shall not be changed by law while such territory shall be under a territorial government; and neither Congress nor the territorial government shall have power to hinder or prevent the taking to said territory of persons held to labor or involuntary service, within the United States, according to the laws or usages of the state from which such persons may be taken . . .; and when any territory north or south of said line, within such boundary as Congress may prescribe, shall contain a population required ratio of representation, it shall, if its form of government be republican, be admitted to the Union on an equal footing with the original states, with or without involuntary service or labor as the Constitution of such new state may provide.

ARTICLE 2: Territory shall not be acquired by the United States, unless by treaty; nor, except for naval and commercial stations and depots, unless such treaty shall be ratified by four-fifths of all members of the Senate.

ARTICLE 3: Neither the Constitution, nor any amendments thereof, shall be construed to give Congress power to regulate, abolish, or control within any state or territory of the United States, the relation established or recognized by the laws thereof touching persons bound to labor or involuntary service therein, nor to interfere with or abolish involuntary service in the District of Columbia without the consent of Maryland and without the consent of the owners, or making the owners who do not consent just compensations; nor the power to interfere with or abolish involuntary service in places under the exclusive jurisdiction of the United States within those states and territories where the same is established or recognized; nor the power to prohibit the removal or transportation by land, sea, or river, of persons held to labor in involuntary service in any state or territory thereof where it is established or recognized by law or usage; and the right during transportation of touching at ports, shores, and landings, and of landings in cases of distress, shall exist. Nor shall Congress have power to authorize any higher rate of taxation on persons bound to labor on land.

ARTICLE 4: The third paragraph of the second section of the fourth article of the Constitution shall not be construed to

SECTIONALISM IN THE PEACE CONVENTION OF 1861 57

prevent any of the states . . . from enforcing the delivery of fugitives from labor to the person to whom such service or labor is due.

ARTICLE 5: The foreign slave-trade and the importation of slaves into the United States and their territories from places beyond the present limits thereof, are forever prohibited.

ARTICLE 6: The first, second, third, and fifth articles, together with this article of these amendments, and the third paragraph of the second section of the fourth article thereof, shall not be amended or abolished without the consent of all the states.

ARTICLE 7: Congress shall provide by law that the United States shall pay to the owner the full value of his fugitive from labor, in all cases where the marshal or other officer, whose duty it was to arrest such fugitive, was prevented from so doing by violence or intimidation. . . .⁶

Some committee members disagreed with the majority report and stated their objections at length in minority reports. Seddon of Virginia, Doniphan of Missouri, and Ruffin of North Carolina refused to sign. It was understood that the delegations from these states would vote against the majority report, and that Indiana, Kentucky, and Tennessee would vote for it. Tyler, Seddon, and Brockenborough of Virginia reportedly would urge the Virginia convention to reject the proposals, while Rives and Summers would probably urge adoption.⁷

Roger Baldwin of Connecticut, member of the Resolution Committee, opposed the majority report, declaring it unfair to the free states and unlikely to receive their approval. He proposed as a substitute the resolution of the Kentucky legislature. This state had submitted a resolution asking her sister states to join in an application to Congress to call a constitutional convention. Baldwin moved that his minority report be adopted.⁸

5. Tyler, *op. cit.*, II, 604.

6. Chittenden, *Conference Convention*, 43-45; Tyler, *op. cit.*, II, 604; Palmer, *op. cit.*, 86-88.

7. *New York Times*, February 16, 1861.

8. Chittenden, *Conference Convention*, 45-46, 411. The Kentucky legislature's resolution which Baldwin proposed as a minority report was as follows: "Whereas, unhappy differences exist which have alienated from each other portions of the people of the United States to such an extent as seriously to disturb the peace of the Nation, and

Other committee members opposed the majority report, among them David Dudley Field of New York, Crowninshield of Massachusetts, and Seddon of Virginia. Seddon, also a member of the Resolutions Committee, maintained that the majority report was a wide departure from the course the committee should have adopted. He thought they should have recommended Virginia's propositions, which were essentially John J. Crittenden's compromise proposals, modified to protect slavery in all American territory, present and future, south of latitude 36 degrees 30 minutes north, and to settle the hot controversy over transit of slaves through free states or territories by granting this right to slave-owners. Seddon argued that this proposal would constitute a basis of adjustment of the controversy dividing the Union.⁹ Seddon objected to the majority report because he claimed it did not provide sufficient guarantees, meaning that it was not sufficiently humiliating for the free states. He argued that the majority report materially weakened the Crittenden propositions. Only such amendments, he insisted, would hold Virginia and the border states to the Union.¹⁰

As an alternative he submitted his own proposals, declaring that Virginia required a guarantee of actual power in the govern-

impair the regular and efficient action of the Government within the sphere of its Constitutional powers and duties;

"And whereas, the legislature of the State of Kentucky has made application to Congress to call a convention for proposing amendments to the Constitution of the United States;

"And whereas, it is believed to be the opinion of the people of other states that amendments to the Constitution are or may become necessary to secure to the people of the United States, of every section, the full and equal enjoyment of their rights and liberties, so far as the same may depend for their security and protection on the powers granted to or withheld from the general government in pursuance of the national purposes for which it was ordained and established;

"And whereas, it may be expedient that such amendments as any of the states desire to have proposed, should be presented to the convention in such form as the respective states desiring the same may deem proper;

"This convention does therefore, recommend to the several states to unite with Kentucky in her application to Congress to call a convention for proposing amendments to the Constitution of the United States, to be submitted to the legislatures of the several states, or to the conventions therein, for ratification, as the one or the other mode of ratification may be proposed by Congress, in accordance with the provision in the fifth article of the Constitution."

9. *Ibid.*, 47-51, 418-420.

10. *Ibid.*, 45-52; Crittenden, *Recollections*, 51.

SECTIONALISM IN THE PEACE CONVENTION OF 1861 59

ment to the minority slaveholding section. To accomplish this, Seddon proposed: (1) that the Senate be divided into two sections, one slaveholding and the other non-slaveholding, with a majority of both required for Senate action; (2) that government officials be removed upon the majority request of either section of the Senate; and (3) that the right of secession be recognized upon due notice from the seceding state, that coercion of such state be prohibited, and that machinery be established for the reconciliation of differences or the determination of mutual rights and obligations.¹¹

Wickliffe of Kentucky successfully moved that all reports be printed.¹² In effect, the peacemakers now had before them on their eleventh day in session four programs of adjustment: the majority report; the Virginia version of the Crittenden Compromise proposals; Baldwin's proposal of a national convention; and, most extreme of all, Seddon's own program, which would have created a new government too weak to govern, and which lacked even the merit of originality, since it was obviously inspired by John C. Calhoun's dual-President scheme of 1850.

From February 15 to February 23 the Convention debated the several aspects of the problem confronting the nation. The majority and minority reports as a whole were ignored. The motives of both sides were subjected to bitter attacks; the method of action by the Convention was questioned; slavery was attacked and defended; guarantees for slavery were demanded and denied; and even the spirit of the Consitution was impugned. This bitter, unsystematic debate was not curtailed until February 22, when the Convention finally agreed to limit debate and began consideration, article by article, of the majority proposal. In this period of general debate the Convention usually met at noon and sometimes protracted sessions, as for example, on Saturday, February 16, when it did not recess until 2:50 Sunday morning. After Thursday, February 21, the Convention began to hold more or less regular evening sessions.

The debate ranged from a high point of abstract discussion of constitutional principles to a low point of personal invective against sections, states, and delegates. Points raised by one delegate would be answered for a day or two and then revived. For

11. Chittenden, *Conference Convention*, 421.

12. *Ibid.*, 53-54.

seven days the debate followed a circular pattern, instead of taking any set direction, and many points were raised and discussed, dropped, and revived.¹³

General debate was opened by James A. Seddon of Virginia, the self-appointed manager of the Convention. He was the most conspicuous and active member of his delegation, which comprised several distinguished men. His personal appearance was extraordinary. His frame was like that of John Randolph, and he matched Randolph in his hatred of all forms of Northern life, from the statesmen of New England to the sheep that fed on her hillsides. The pallor of his face, his narrow chest, sunken eyes, and attenuated frame indicated the last stage of consumption. His voice, husky at first, cleared with the excitement of debate, in which he became eloquent. Notwithstanding his spectral appearance, he survived to become the Secretary of War of the Confederate States of America. He was the most powerful debater of the Conference, skillful and cunning, the soul of the plot, as some delegates believed, which the Conference was intended to execute. Seddon charged the free states with many offenses against the South. He declared that the objective of the dominant party of the North was to exclude slavery, not from the future, but also from present territory; that zealots of the party desired that the national and practical institutions of the South should be surrounded by a cordon of twenty free states and in the end extinguished. Therefore, Virginia was wise to ask for guarantees in the form of the modified Crittenden resolutions. Seddon painted a picture of the moral beauties of the "peculiar institution," emphasizing that the slaves had benefitted by being brought to America and civilized. The South had not done wrong to the race; yet the South was assailed, attacked by the North, from the cradle to the grave, and the children in the free states and been educated to regard the people of the South as monsters of lust and iniquity. He condemned the anti-slavery feeling in the North as manifested by the abolitionist societies and their doctrines and by their support of John Brown, and asked whether this was not a sufficient reason for suspicion and grave apprehension on the part of the South. He contended that the moral aspect was by itself dangerous enough, and when combined with politics it was made much worse.

13. *New York Times*, February 4, 11, 1861.

SECTIONALISM IN THE PEACE CONVENTION OF 1861 61

Seddon commented on the acquisitive spirit of the North, its ambitions for office, power, and control over government, which would permit it soon to control the South. He re-emphasized that Virginia and the border states would not remain in the Union without added guarantees. He had no word of condemnation for secession, nor of hope for the return of South Carolina and the other seceded states. He struck the keynote of the debate for slavery, and many southern speeches followed his lead. Instead of arguing for the majority report, Seddon and his supporters appeared to be in opposition to any compromise which did not involve the complete humiliation of the North.¹⁴

Seddon's exposition was answered by northern Republicans from Massachusetts and Maine. George S. Boutwell, of the former state, averred that states had gone out of the Union and thus defied the Constitution and the Union, that many charges had been hurled against the North, but that he could not find any basis for them. He affirmed that he and the people of his state loved the Union and would give their lives for its preservation. Massachusetts, he said, had always hated slavery and had fought it when she had the right to do so, but would not molest slavery where it legally existed. He noted that seven states had seceded, and that the southern convention delegates declared the seceded states were not to be coerced back into the Union. He looked at the provisions of the majority report as possible measures of pacification but could not support them, because he did not think they would contribute to the stability of the country. Boutwell declared that the North would never consent to a peaceful separation of the states. If the southern states persisted in their present course, armies would march southward. As he saw it, the only way to avert war and preserve the union was for the slave states to abandon their designs and faithfully abide by their constitutional obligations.¹⁵

Lot M. Morrill of Maine vigorously attacked Seddon's position on coercion. Morrill was about sixty years old. His figure was rather slight, his manner retiring, and his general appearance somewhat effeminate. There was not a trace of the bully in him, nor a hint of aggressiveness. On the contrary, as one naturally disposed to concession, he seemed the unlikeliest man in the

14. Chittenden, *Conference Convention*, 91-99; *Recollections*, 51-52.

15. Chittenden, *Conference Convention*, 99-102.

conference to become involved in a personal debate, but he was a good representative of his state in her steadfast opposition to the extension of slavery. His quiet, peaceful nature was deceptive to strangers, for at the bottom lay a stratum of resolution which would have carried him to the stake before he would have surrendered a principle. His ideas were clear and lucid, and he had a command of language which qualified him to discuss a great question with a power rarely found in any legislative body.

Most Republicans had given up hope for any beneficial results of the debate and had not been attentive, but Morrill, after a few minutes of talking, had a large group of interested listeners. His voice, at first low and quiet, gathered volume as he proceeded, until, as he approached the real points of the controversy, his lucid argument cut like a sword.¹⁶ He declared that his section had principles that could not be abandoned. He asserted that the question was: "What will Virginia do? How does Virginia stand? She today holds the keys of peace or war. . . . What will satisfy her?" James A. Seddon replied that Virginia was pledged against coercion. His personal opinion was that "the purpose of Virginia to resist coercion is unchanged and unchangeable."

Lot M. Morrill rejoined: "But I now understand Virginia to say [that] Federal authority shall not be re-established by . . . ordinary means [where it is resisted] in certain of the states . . . in the Federal Union. . . . Unless we have the heart of Virginia with us, our actions will give no peace to the country."

Morrill heatedly refuted the broad accusation of Seddon against the North. The South, he said, charged the northern states with unfriendly criticism of slavery, with obstructing recapture of fugitive slaves, with opposition to the admission of Kansas under a constitution which tolerated slavery, and held that these accusations justified extreme measures on the part of the South; that, although some states had left the Union, the states here represented would condone the acts of the North by one more compromise, but only on condition that the North consent to write into fundamental law that slavery was to be perpetual in any territory, and that when a territory, whenever it had sufficient population, if the people so voted, could come into the Union as a slave state, and its status so fixed should

16. Chittenden, *Recollections*, 52-53; *New York Times*, February 4, 1861.

forever be unchangeable. Morrill agreed with Seddon that the time had come to settle once and for all the grave questions which had disturbed the peace of the country. Morrill pointed out that Seddon maintained there was only one way to settle the difference of opinion; namely that the North must accept what the South termed another compromise. Morrill stressed that the North had previously made many compromises, not one of which had ever been broken by the North, yet the South ultimately refused to abide by a single one. The South had proposed the Missouri Compromise, and solemnly agreed that all states north of 36 degrees 30 minutes should be free. How the South had kept faith, let Kansas answer. The South demanded the Fugitive Slave Act as a condition of preserving the Union. The demand was accepted and slaves returned by northern hands from under the shadow of Bunker Hill. Now the South demanded another compromise which changed a free republic into a slave state, and it contended that the North must make a new concession as the price of the Union. "Must was a word which did not promote a settlement founded upon a compromise. If the North must, what then? There was no pledge in the amendments proposed by the South, no promise on the part of the South." Morrill asked what the South proposed to do. If the North assented to the demands, would South Carolina or the Gulf states return to the Union, or would the South repeat her history? Would she do as she had done before, perform her agreement as long as it served her interests and then violate it as she had violated all other Compromises?

At this point Morrill was interrupted by Robert Stockton of New Jersey, an elderly man of powerful physique, imperious and somewhat overbearing, whose long service in the Navy had accustomed him to command and rendered him intolerant of opposition. Stockton, strongly anti-coercion, was an admirer of the culture and institutions of the South, and Morrill's bitter arraignment of Virginia and the South caused him to charge toward the speaker, declaring that if Morrill wanted a row he could have it, and that he didn't care to hear any further charges against the State of Virginia. Friends of each came to the aid of the combatants and considerable confusion occurred, but President Tyler, by prompt intervention, called them to order, and Morrill completed his speech. The peace commissioners were wasting their

time, he said, unless someone in authority could pledge the South, including the seceded states, to accept the proposed amendments as a finality and henceforth to remain in the Union; the North would never accept the amendments without such an assurance from the South.¹⁷

The sentiment expressed in the Morrill speech reflected the feeling that some representatives had come to the conference to promote opposition and coercion. It was clearly evident that many delegates to the conference did not believe in coercion of a state. Rives of Virginia asserted firmly that he did not believe that the Federal government had the right to coerce a sovereign state.¹⁸

The motives and objectives of Virginia in calling the Convention were seriously questioned. Spokesmen for Virginia and the border states felt called upon to justify the position of Virginia. After William C. Noyes of New York and others questioned the need for a convention, the necessity of amending the constitution, and the need for haste, William C. Rives and George W. Summers, both of Virginia, and James Clay and James Guthrie of Kentucky felt compelled to reply. Rives declared that he believed the Convention could exert a powerful influence to protect the honor and safety of the country, and could arrive at a settlement of sectional differences and thus make its institutions perpetual. The action of Virginia, Rives declared, could lead to solutions similar to those arrived at in the Constitutional Convention of 1787. He felt that the situation in 1861 paralleled the need for action which existed in 1787. Some state had to initiate action. The work of the Convention could not be considered unconstitutional, since its decisions would be advisory only. The desire of Virginia, Rives declared, was for the commissioners from all states participating to exchange views, discuss issues, and endeavor to reach amicable decisions which might resolve outstanding differences between sections.¹⁹

Summers, in reply to the charges of Morrill and others questioning the motives of Virginia, affirmed his loyalty to the Union, and declared that Virginia's purpose was to save the Union. If Seddon's propositions (based on the Crittenden resolutions) were

17. Chittenden, *Conference Convention*, 113-117, 145-150; *Recollections*, 54-56; *New York Times*, February 14, 1861.

18. Chittenden, *Conference Convention*, 137.

19. *Ibid.*, 133.

SECTIONALISM IN THE PEACE CONVENTION OF 1861 65

not acceptable, he believed that Virginia would accept the majority report. But he pointed out that compromise was a two-way street, and New England must also be willing to consider and grant necessary concessions to maintain the Union.²⁰ Clay and Guthrie argued in a similar vein. Clay emphasized the necessity of devising means to reunite the country by making the necessary property guarantees to the South.²¹ Guthrie reiterated his faith in the sincerity of Virginia, and hoped that her sister states had similar motives.²²

These men felt constrained to defend the purpose and necessity of the Convention, because of statements such as that of Samuel C. Curtis of Iowa: "there has been for a long time a purpose, a great conspiracy in this country to begin and carry out a revolution, that has been avowed over and over again in the halls of Congress."²³ The feeling of Curtis, Noyes, and others at the time of the Convention was well stated some years later by Levi E. Chittenden, a delegate from Vermont: "Many of them have entered into the military service . . . of the rebellion which it was the avowed purpose of some members of that conference to nourish into vigorous life."²⁴ Though this observation was made after the close of the Convention, many northern delegates believed it to be true at the time, and the assurances of Rives, Summers, Clay, Guthrie, and others did nothing to dispel their doubts and suspicions, which they voiced throughout the Conference.

Some delegates challenged the advisability of holding the conference at all. The question was raised as to whether such a conference was constitutional. Roger Baldwin of Connecticut dissented from the report of the Committee on Resolutions and urged the acceptance of a proposal for a national convention, as provided in the Constitution, as a substitute for the majority report. He doubted the constitutional right of the conference to exist. Baldwin asked for the support of his recommendation on the basis that California, Oregon, and other absent states would have time to consider the question and be represented. He declared that the conference was revolutionary and unconstitutional

20. *Ibid.*, 152-54.

21. *Ibid.*, 320-321.

22. *Ibid.*, 103.

23. *Ibid.*, 71; *New York Times*, February 14, 1861.

24. Chittenden, *Conference Convention*, 7.

because some of the delegates were acting under appointment of the state executive or legislature, and all were acting without legal authority.²⁵ Baldwin apparently thought that the delegates should have been selected on a uniform basis, and probably elected.

Amos Tuck of New Hampshire agreed with Baldwin. He frankly confessed to a bias in favor of the national convention idea. He noted that the concept was first advocated by the *National Intelligencer* of Washington, which he considered a conservative paper, and had then been endorsed by the legislatures of Kentucky and Illinois. He realized that there was strong opposition to calling a national convention, but declared that the southern delegates had stated they would accept the decision of the people. Would Kentucky, Maryland, Tennessee, and Virginia be willing to submit their case to such a tribunal, fairly elected, and be willing patiently to hear and firmly decide all points at issue? He stated that this was the best alternative the North could offer the South.²⁶ Tuck, a former Democrat, was to reiterate this proposal several times during the conference. What he, Baldwin, and others were proposing was that two-thirds of the states petition Congress to call a constitutional convention.

Noyes, Field, and Chase also favored the convention idea. Noyes opposed the conference, and declared that he was in favor of a constitutional convention proposed by Congress.²⁷ David Dudley Field of New York was strongly opposed to any amendment of the Constitution, but thought that if amendments were necessary they should be proposed by a national convention where due consideration and debate could occur.²⁸ Salmon P. Chase of Ohio was still advocating a national convention late in the conference on the basis that there was a slight possibility of all sections being induced to agree to this method of solution.²⁹ In reality, those advocating a national convention were actually opposed to any constitutional amendments and any action on the part of the conference; they were seeking to delay and prolong its deliberations. Chase and the Ohio delegation, for example,

25. *Ibid.*, 59-67, 411-417; *New York Times*, February 19, 1861.

26. Chittenden, *Conference Convention*, 77-79, 312.

27. *Ibid.*, 131.

28. Chittenden, *Conference Convention*, 162, 169; *New York Times*, February 18, 19, 1861.

29. Chittenden, *Conference Convention*, 271-272.

SECTIONALISM IN THE PEACE CONVENTION OF 1861 67

had been instructed by the Ohio legislature to postpone action and attempt to get the conference to adjourn until April 4, 1861.³⁰

Guthrie, Johnson, Ruffin, Bronson, Doniphan, and others strongly defended the majority report, the constitutionality of the Convention, and the need for immediate action. Guthrie declared that Baldwin had overlooked the fact that the Constitution had made Congress the recipient of petitions. The Convention was merely exercising the right of petition. Certainly the delegates of twenty-one states represented the people. The need for quick action ruled out Baldwin's proposal. Thus the majority report was not improper or revolutionary.³¹ Reverdy Johnson of Maryland also attacked Baldwin's position. He observed that Baldwin did not say the Convention was a violation of the letter of the Constitution but merely of its spirit. He declared that if Baldwin's contention were correct, then the Convention not have the right to present Baldwin's proposal either. It was the duty of Congress, Johnson declared, to propose amendments whenever desired by the states or any considerable part of the people.³²

Thomas Ruffin of North Carolina, a firm believer in the Union, took a middle position. Circumstances, he declared, had created a situation which motivated southern delegates to ask for certain constitutional guarantees. The northern delegates could grant these without dishonor, but they refused and suggested a constitutional convention as an alternative. This, Ruffin declared, was not adequate because of the need of immediate action to meet the current crisis.³³ Greene Bronson of New York essentially agreed with Ruffin that a constitutional convention would not meet the present need. It would take years to obtain results from such a convention. He asked Baldwin if so great delay was safe. Baldwin replied that it was always safe to follow the Constitution. Bronson observed that Kentucky had appointed delegates to the Convention after the legislature requested a constitutional convention, and he doubted that Kentucky would stand by its early proposal. The need of safety and peace required action,

30. Tyler, *op. cit.*, II, 603-604; *New York Times*, February 9, 11, 13, 19, 1861.

31. Chittenden, *Conference Convention*, 70.

32. *Ibid.*, 84-85.

33. *Ibid.*, 126-127.

Bronson declared, and thus he would not put the Constitution in the hands of a convention. In his opinion, the Constitution was not so holy that it could not be amended. He also argued in favor of the constitutionality of the Peace Convention.³⁴

Alexander W. Doniphan of Missouri asked Tuck if he would have supported the majority report had it been proposed in a constitutional convention. Would Tuck use his influence to elect members who followed his thinking to such a convention? If the North would give a pledge to support the majority report, Doniphan declared, he would support a call for a constitutional convention. Without this pledge, a convention would be useless. On the whole, the question of method was another means of debating the need of immediate action as against delay.³⁵

As debate raged on, it became apparent that the delegates were not in basic agreement on the issues dividing the country. Was the basic division between freedom on the one hand and slavery on the other? Or was the basic question whether slavery should be allowed to expand or be contained within its present limits? Did a state have the right to secede, or were obligations to the Union paramount? Was the government to be operated under the principles of the Dred Scott decision or the Chicago platform of the Republican Party? A considerable part of the debate raised these questions in relation to general comments on slavery as an institution. Many delegates had different points of view and methods of approach, and they failed to find a middle ground.

Thus Clay insisted that the primary problem was recognition and protection of southern property rights, at least south of 36 degrees 30 minutes - the old Missouri Compromise line. "The question of slavery is but an incident to the great questions which are at the bottom of our division. Such differences have brought war upon Europe. It is, after all, the old question of balance of power between different sections and different interests."³⁶ Republican delegates did not agree with this appraisal of the situation, nor did the northern press. For example, the *New York Enquirer* and the *Boston Herald* contended that slavery was a local and not a national institution. They opposed any compromise, such as the Crittenden resolutions, which would make

34. *Ibid.*, 265-267, *New York Times*, February 19, 1861.

35. Chittenden, *Conference Convention*, 312.

36. *Ibid.*, 320-321; *New York Times*, February 13, 1861.

SECTIONALISM IN THE PEACE CONVENTION OF 1861 69

slavery a national matter.³⁷ Northern delegates reflected this same view. Curtis declared that he opposed the majority report because "their propositions make all territory we may hereafter acquire slave territory."³⁸

James C. Smith of New York argued in the same vein. He declared that the contest was between the slave owners on the one hand and free men on the other. He pointed out that the Federal government held all territory in trust for the people. The North, he said, would not sanction the right of any one state to demand one thirty-fourth of such territory. This was the concept behind the equilibrium which had been maintained between the free and slave states for so long. This doctrine was not constitutional and did not find favor with the people of the North, Smith declared. The contest was concerned with only one point. It was a struggle between two great opposing elements of civilization. Should the country be possessed and developed by the labor of slaves or of free men.³⁹ John G. Goodrich of Massachusetts essentially agreed. The South, he said, had no right of prescription below 36 degrees 30 minutes; freedom had an older prescription. He observed that Webster had opposed the expansion of slavery and had argued in favor of the right to deny the admission of slave states on the ground that equality was not provided.⁴⁰

Seddon rose to reassert the southern point of view. He declared that in the debate two new principles had been introduced: that slavery should not be allowed in the territories; and that governmental action would be on the side of freedom. This was exactly what the southern states feared, Seddon declared, and it was the principal cause of secession. This was his interpretation of the 1860 election. These policies were, in his view, not in accordance with the Constitution.⁴¹ Seddon's position did not evoke a favorable response, Preston King of New York declared that all owed allegiance to the Constitution above and beyond all other political duties and obligations. In contrast to Seddon, he considered the Union to be a confederation of states under the Constitution with all citizens owing primary allegiance to the

37. G. G. Glover, *Immediate Pre-Civil War Compromise Efforts* (Nashville, 1934), 97.

38. Chittenden, *Conference Convention*, 71.

39. *Ibid.*, 202-203, 213-214; *New York Times*, February 21, 1861.

40. Chittenden, *Conference Convention*, 232-233.

41. *Ibid.*, 284-285.

Federal Government.⁴² Along the same lines, Charles Allen of Massachusetts argued that the North was not breaking up the Union over the question of slavery in New Mexico territory, but that the South was doing what it accused the North of doing. The question was not one of possession, he declared, but rather one of which should have control and direction of the country-free-dom or slavery.⁴³

Almost the only middle ground reached in the debate was on the question of the right of secession. For example, Reverdy Johnson of Maryland, who took a southern point of view on most questions, doubted that a state had a right to secede, although he agreed with Madison's point in the Federalist Number 42 that the right of self-preservation and revolution was above the Constitution as an integral part of the law of nature. Thus Johnson desired to preserve the Union and to retain at least the border states.⁴⁴ Even Seddon was restrained on this point, merely observing that Virginia was debating whether or not to remain in the Union because she feared for her safety under present conditions.⁴⁵

Ruffin, representing North Carolina, declared that the delegates were influenced by various considerations. There were some, he maintained, who did not desire preservation of the Union. While Ruffin conceded that he did not understand the motives of those who felt this way, he put the preservation of the Union above politics and parties.⁴⁶ Thus both extreme and moderate spokesmen for the South were reticent in defense of secession.

Northern representatives, whether moderates or extremists, put the Union first, although some gave it an importance only equal to what they considered the principles involved. Amos Tuck contended that all states should remain loyal to the Union. He pointed out that some southern states had left the Union, and others were threatening to do so on the basis that the Constitution would be construed in a manner adverse to the South, even

42. *Ibid.*, 315-316; Allan Nevins and Milton Halsey Thomas (eds.), *The Diary of George Templeton Strong* (New York, 1952), III, 102.

43. Chittenden, *Conference Convention*, 322; *New York Times*, February 19, 1861.

44. Chittenden, *Conference Convention*, 88-89.

45. *Ibid.*, 97.

46. *Ibid.*, 125-126.

SECTIONALISM IN THE PEACE CONVENTION OF 1861 71

though no previous construction of the Constitution had been adverse to southern interests. The South, he observed, had been in control of the government for fifty years of the nation's existence.⁴⁷ A. W. Loomis of Pennsylvania was in essential agreement with Tuck.⁴⁸ Levi E. Chittenden of Vermont adequately summarized the northern position. He declared that the people of the North considered secession a sin. While they were willing to make sacrifices to preserve the Union, such as prosperity, property, political influence, and even lives, they would not sacrifice their principles. Thus, Chittenden declared, the northern states would not sacrifice principles they had consciously adopted, even to save the Union. The southern people, he went on, believed that slavery was desirable, that a government founded upon it would be most desirable. He said that some southerners viewed slavery as a missionary institution, while the North, on the other hand, abhorred slavery and found the idea repulsive.⁴⁹ Northern spokesmen put the Union on a par with anti-slavery principles, and questioned the right of secession. Southern spokesmen assumed that there was a right of secession, said they would secede under certain conditions, but did not offer a general defense of the right to secede. George Davis of North Carolina said that his state would secede if guarantees were not granted, but did not answer the pointed question of Godlove Orth of Indiana as to whether North Carolina had the right to secede.⁵⁰ Moderates on both sides failed to support arguments for secession.

Although some northern spokesmen equated anti-slavery principles with loyalty to the Union, they did not attack slavery as such, but rather confined the bulk of their argument to the question of the expansion of slavery into the territories. In contrast, Seddon offered a spirited defense of slavery as an institution. He declared that Virginia felt she had a mission to perform: the existence, the perpetuity, and the protection of the African race. Slaves had profited, he said, from being brought to the United States, and had been raised to a position which they could not otherwise have attained. He contrasted the position of the slave in the South with the condition of the Negro in Santo Domingo,

47. *Ibid.*, 176-179.

48. *Ibid.*, 246.

49. *Ibid.*, 253-254.

50. *Ibid.*, 259-262.

Jamaica, and Liberia. He appealed to the North to leave the subject to the conscience of the South. Why should the North, he asked, interfere with the policy of neighbor states on an issue which it knew nothing about?⁵¹ Though the northern press and leaders had, in the past, frequently attacked slavery on moral grounds as Seddon contended, they, for the most part, refrained from doing so in the debate. Statements were made to the effect that the people of the North abhorred slavery, but there was little amplification of the point. Instead northern spokesmen made the point that they opposed the expansion of slavery, but were perfectly willing to let the institution remain unchallenged where it already existed. John C. Goodrich of Massachusetts offered a good exposition of the northern position from a constitutional point of view. He contended that the Constitution recognized slavery as it existed or might exist within the original states. No constitutional right, he maintained, existed to interfere with the rights of slaveholders under state authority in these states; but slavery had no constitutional right to exist outside the original states or in the territories.⁵² To support this argument, Goodrich cited the debates on the Land Ordinance of 1784-1785, the Northwest Ordinance of 1787, and the disposition of territories in the Constitutional Convention. He observed that most leaders in this period anticipated the disappearance of slavery. Thus, he declared, under the Articles of Confederation and the Northwest Ordinance, the right of recovery of fugitive slaves did not exist. As late as March, 1850, both Calhoun and Webster agreed that the right of recovery of fugitive slaves originated in the Constitution. He contended that since the Northwest Ordinance was adopted before the Constitution, it was binding on all parties, and cited both northern and southern opinion in support. After an extended foray into Constitutional theory, Goodrich summarized his position: (1) fugitive slaves could not be recovered in Ohio, Illinois, Indiana, Michigan, and Wisconsin because the prohibition in the Northwest Ordinance preceded the Constitution; (2) a fugitive slave might not be reclaimed in any other state or territory because slavery did not exist there; (3) no slave escaping from Missouri, Arkansas, Texas, Louisiana, or Florida

51. *Ibid.*, 94.

52. *Ibid.*, 218.

SECTIONALISM IN THE PEACE CONVENTION OF 1861 73

into Ohio, Indiana, Illinois, Michigan, and Wisconsin could be lawfully claimed as a fugitive slave because the former states were not original slaveholding states; and (4) after the Missouri Compromise, slaves escaping from Arkansas and Missouri into Kansas, Nebraska, Iowa, and Minnesota could be reclaimed, but those escaping into the five states of the Northwest could not, and this was understood at the time the compromise was adopted. Originally, he declared, all territory was supposed to be free. The first failure to apply the policy of non-extension occurred with the Louisiana Purchase. If the South desired, as her spokesmen contended, to return to the spirit and the letter of the constitution as interpreted by the Fathers, he, at least, was perfectly willing to do so.⁵³

The anti-slavery position at the Convention was that slavery should not be allowed to expand further: there was little of any openly expressed sentiment to abolish slavery. Most northern spokesmen took the position that no grounds for this southern fear existed. For example, Boutwell of Massachusetts conceded that a few people in the North would always be willing to recognize southern rights as long as such rights did not involve the expansion of slavery into the territories. He declared that this, to the North, was a basic principle, and the South should not demand the sacrifice of such a principle. If, Boutwell said, the Union could not be maintained without additional constitutional guarantees being granted slavery, then the Union was not worth saving. Thus he opposed the majority report.⁵⁴ Others, such as Ewing of Ohio, Palmer of Illinois, Smith of New York, Tuck of Connecticut, essentially agreed with Boutwell; all expressed themselves as against slavery, and were opposed to any expansion, but did not attack the right of slavery to exist within its present boundaries.⁵⁵

David D. Field of New York opposed the majority report on the ground that it gave slavery guarantees which the founding fathers refused to give. He contended that the language of the proposed amendments involved sacrifice of a basic principle, to which he could not agree. If the amendments are necessary, he asked, why not adopt some to protect the citizens of free states in

53. *Ibid.*, 319-343.

54. *Ibid.*, 100-101; *New York Times*, February 19, 1861.

55. Chittenden, *Conference Convention*, 141-142, 178, 199-200, 297.

the South and to protect the Union against future attempts at secession? Additional guarantees for slavery, Field contended, were too high a price to pay for saving the Union.⁵⁶ Burton C. Cook of Illinois took the position that if his state had favored the expansion of slavery into any portion of the territories, she would have selected delegates who held this point of view, and who would have accepted the majority report without question. Cook, therefore, opposed any constitutional recognition of the rights of slavery in the territories.⁵⁷ Loomis of Pennsylvania observed that the question of slavery in the territories, and the relation of government to the territories, and the interest of the states in them, were the primary issues debated when the Constitution was adopted. He pointed out that the majority report also was concerned with these questions. Amaziah E. James [not in list of delegates] of New York denied that the northern states could be blamed for the present difficulty. The northern states, he declared, had not disrupted the Union or threatened its stability. Yet in spite of this, certain southern states asserted the need for securing their rights, as otherwise their people could not be induced to remain in the Union. The South, said James, held that the Constitution gave the slave owners the right to take slaves into the territory held by the United States, while the North took a different view and was not likely to change it. James' position was fairly representative of that taken by anti-slavery expansionists. His summary of the southern position was also accurate.⁵⁹

Southern and border state spokesmen were adamant in their demand that the constitutional right of slavery to advance into at least some territory be recognized. Johnson of Maryland asserted that the Dred Scott decision recognized the right of slavery to exist in all territories. The South, he argued, was willing to give up this right in exchange for a return to the Missouri Compromise line of 36 degrees 30 minutes. The North should be willing to grant the South what was already the South's by a court decision, especially when the South was willing to concede the right to destroy slavery when a state was organized.⁶⁰ Seddon contended that what the South really wanted was security from

56. *Ibid.*, 166-167; *New York Times*, February 19, 1861.

57. Chittenden, *Conference Convention*, 313.

58. *Ibid.*, 247.

59. *Ibid.*, 303.

60. *Ibid.*, 90.

SECTIONALISM IN THE PEACE CONVENTION OF 1861 75

the North and its dominant political party. He personally doubted that the majority report would satisfy the needs of Virginia and her sister states. We still thought that the Crittenden proposals were more suitable. He saw no reason why the North could not grant guarantees.⁶¹ Guthrie was in essential agreement. The South, he declared, only wanted its rights under the Constitution and desired that all questions concerning such rights be settled. Guthrie observed that the North once contemplated destruction of the Union because of a feeling that the Federal government was antagonistic to northern interests. The South, he said, had the same feeling now and lacked faith in the government. Guarantees were necessary to restore faith and a sense of security.⁶² Brockenborough of Virginia declared that the South would support and abide by the Crittenden resolutions or any other resolutions. The South, he declared, considered her institutions in danger and therefore asked for guarantees. If the North granted such guarantees, then the border states would remain loyal to the Union; otherwise the border would be lost. This was representative of the position taken by southern spokesmen.⁶³

Between these extremes were moderates on both sides. White of Pennsylvania declared that his delgation had come to save the Union. The South, he argued, had met the northern delegates in a spirit of conciliation. The need of some plan, fair to all sections, to be submitted to the people of all sections for their decision, was obvious.⁶⁴ Goodrich was in substantial agreement with this. Bronson asked what harm would come if the territories were thrown open to slavery. If the civilized world frowned on slavery, he declared, this need not concern the United States. Although the territories had been opened to slavery by the Dred Scott decision, slavery could never prosper there. There was, he contended, no good reason to exclude slavery from the territories. He did not think that any basic principle was involved since it was not practical for slavery to exist in most of the territories. To him safety lay in granting guarantees, and danger in rejection of the request.⁶⁵ Frederick T. Frelinghuysen of New Jersey held that

61. *Ibid.*, 91-98.

62. *Ibid.*, 102-103.

63. *Ibid.*, 280-281.

64. *Ibid.*, 173-174.

65. *Ibid.*, 268-269.

the South had a right to constitutional guarantees. He believed that a large majority of the people in the North would favor the idea. All that the South asked, he declared, was freedom from interference with slavery in the territories.⁶⁶

The southern position was that the South was demanding the recognition of rights and not concessions. The South wanted to be free to go with her slaves into any territory and to hold them as slaves until the territory was broken up into states. The northern position, for the most part, was that while the constitutional right to own slaves in the slave states could not be challenged, the expansion of slavery was a matter of moral principle which could not be compromised. There were some who could rationalize the loss of principle on the grounds that slavery could not exist profitably in much of the territory then held by the United States.

Apparent southern willingness to accept restoration of the Missouri Compromise line brought extended discussion of the constitutionality of that compromise and the status of the Dred Scott decision. Rives of Virginia quoted a letter of Madison to the effect that Congress did not have power over slavery in the territories; hence Congress did not have the power to prohibit slavery in the territories.⁶⁷ James asked Rives whether he would "leave that question just where the Constitution leaves it, upon the construction of that instrument." Rives replied: "No! I will not leave it there, for it will always remain a question of construction. I prefer to put the prohibition into the Constitution."⁶⁸ What can be construed one way, can always be construed the opposite way at a later date, as Rives well knew. Southern spokesmen contended that Congress had no right to prohibit slavery in the territories, and cited the Dred Scott decision declaring the Missouri Compromise unconstitutional in support of their contention. They further blamed northern repudiation of the Dred Scott decision as one of the principal causes of the southern feeling of insecurity and of need for guarantees.

Brockenborough said that the Supreme Court in the Dred Scott decision gave the South the right to go into a portion of the territory with slaves. The North, he declared, refused to abide

66. *Ibid.*, 180-183.

67. *Ibid.*, 140.

68. *Ibid.*, 140-141.

SECTIONALISM IN THE PEACE CONVENTION OF 1861 77

by this decision. The Chicago platform of the Republican Party, he said, repudiated it.⁶⁹ Guthrie agreed and declared that no section should be excluded from territory acquired through common effort.⁷⁰ Carruthers of Tennessee also held that the Supreme Court had given the South the right to take property in the form of slaves into the territories.⁷¹ On the other hand, James of New York contended that the South was in favor of the Missouri Compromise as long as it served the interest of the South. The South, he argued, had favored its repeal and now desired to return to it because of difficulty caused by the repeal. The North, he said, had opposed repeal and now was indifferent about its restoration.⁷²

David Wilmot of Pennsylvania declared that it was the intention of the South to entrench slavery behind the Constitution. He maintained that the government had long been administered in the interest of slavery and that the North was determined to end that state of affairs.⁷³ In effect, he lent substance to southern charges. The North, Wilmot declared, objected to expansion of slavery, believing it to be a moral and political evil. The proposed extension of slavery into territory where it had not previously existed created, he contended, a political question in which the people of the North had a vital interest. They would resist expansion by all constitutional means.⁷⁴ To many peace commissioners, the Dred Scott decision and the majority report both contravened the vital principles of the Chicago platform of the Republican Party on which the people had passed judgment in the recent election. In justification of the Republican adherence to the Chicago platform, Smith declared that the principle of the party had become its platform.⁷⁵

Stockton, on the other hand, condemned the Republican Party and appealed to the delegates to set aside the party platform. He reminded the delegates that the "premier" of the incoming administration had declared that parties and platforms were subordinate to, and must disappear in the presence of, the

69. *Ibid.*, 280.

70. *Ibid.*, 102.

71. *Ibid.*, 304.

72. *Ibid.*, 304.

73. *Ibid.*, 282.

74. *Ibid.*, 200-202

75. *Ibid.*, 200.

great question of the Union. He maintained that the Union could only be preserved by peace.⁷⁶ Southern leaders went further. Brockenborough and Seddon of Virginia attacked the Republican Party as merely a sectional party. Brockenborough said that Lincoln had been elected on a purely sectional issue of hostility to southern institutions.⁷⁷ Seddon charged that all the principles of the Republican Party involved abolitionism, and could be summed up as "opposition to the admission of slave states in the future." He declared that the ruling idea of this sectional party was the final extinction of slavery.⁷⁸

Some of the delegates expressed the desire of the South to appeal to the people of the country, for many people of the North had been friendly to southern institutions. Francis Granger of New York asserted that if the majority report was submitted to the people of his state, it would be approved by a large majority. He said that it was a fair and equitable basis for settlement of all sectional differences.⁷⁹ Rives of Virginia told the Convention that while the majority report was not entirely satisfactory to Virginia, she would accept it.⁸⁰ To this appeal, the northern leaders did not propose to consent, and in lieu of it, they advocated calling a national convention or no action at all. Possibly the fear of losing what had been gained in the election haunted the Republicans. Members of the Republican Party had belonged to the Whig, Free Soil, and Know-Nothing parties. The Whig Party had elected two presidents, but the Democrats had maintained their dominant position. The Republicans were watchful, and sought to protect the interests and principles on which the party rested. Party interests were manifested in Pleasant A. Hackleman's remark that "the effort of Virginia now is to overthrow the Republican party."⁸¹ Despite the fact that it was the minority who demanded guarantees, as Stephen Logan stated, the majority jealously guarded even the outer bulwarks of the Republican stronghold and principles. The assumption of Federal control would be a new experience for Republicans, who actually feared

76. *Ibid.*, 114.

77. *Ibid.*, 280.

78. *Ibid.*, 96-97.

79. *Ibid.*, 120.

80. *Ibid.*, 138-139.

81. *Ibid.*, 309; John G. Nicolay and John Jay (eds.), *Complete Works of Abraham Lincoln* (New York, 1905), III, 230.

SECTIONALISM IN THE PEACE CONVENTION OF 1861 79

the schemes and chicanery of the Democratic Party. The Whigs had lost the fruits of their victories in 1840 and 1848 largely through the death of the chief magistrate; the Democrats were entrenched in the Whig realm before these administrations terminated. The Republicans maintained that they were not yet in power and could not be blamed if the laws did not please the Democrats.

The Democrats were not only fearful of the policy and administration of the incoming party, but also aggrieved at their loss of control over the government. They were determined either to secure guarantee or to withdraw the South from the Union. James B. Clay observed that "when this equilibrium was disturbed she (the South) began to insist upon guarantees. Now, when you propose to push the point of equilibrium out of sight altogether, the South insists upon these guarantees as not only necessary but indispensable to her safety."⁸² Charles Allen of Massachusetts answered that it was a question of freedom or slavery, that the South was asking for a provision in the Constitution which would place the policy of the government under the control of slavery.⁸³ The Republicans refused to amend the Constitution on two grounds: first, they were determined to keep the words "slave" and "slavery" out of the organic law; second, they did not propose to surrender congressional control over the territories. Without the constitutional amendments, Seddon anticipated that the administration would work against the extension of slavery and the institution itself. He saw the administration of the government on the side of freedom, slavery classified as a local institution, and slaves recognized as property only in slave states. This was enough to alarm slavocracy.⁸⁴

By this time the general debate had taken almost a week, and the Convention had begun to hold evening sessions. Those who felt the urgency of the situation began to propose limitations on debate so that the Convention could get on with its business and vote on specific proposals. On the other hand, those who were against any action continued the delaying tactics practiced since the beginning of general debate. Noyes of New York asked why Virginia was in such a hurry. The concepts contained in the majority report were new and needed full discussion. Did Virginia

82. Chittenden, *Conference Convention*, 321.

83. *Ibid.*, 322.

84. *Ibid.*, 284-285.

propose, he asked, to change the fundamental law and not allow proper debate? ⁸⁵ George H. Browne of Rhode Island favored limiting debate because of the need for action. ⁸⁶ Early in the general debate, a proposal to restrict debate was made but defeated. Other similar proposals met the same fate. Discussing the first proposal to limit debate, some delegates insisted on an equal right to reply. Arguing one such proposal, Field declared that since the previous day had been occupied in general debate, he desired the same opportunity to make his general views known. ⁸⁷

Six days after the beginning of general debate (February 21), Wickcliffe introduced another motion proposing closure and a vote on the majority report. Chase of Ohio then moved the adoption of the resolutions of the Ohio legislature which declared that the legislature deemed it inexpedient to proceed on the proposal of Virginia and the several reports to the majority and minority of the committee until there was further opportunity for deliberation and action, suggesting that the Convention adjourn and convene on April 4 in Washington. Chase requested that the President address letters to governors of the states not now represented asking them to appoint commissioners. ⁸⁸ After spirited debate, the Convention agreed to limit debate to five minutes for the mover of an amendment and five minutes for the committee to reply. ⁸⁹ Still the delaying tactics continued. Then Browne proposed another evening session on February 21, and Chase opposed the motion. ⁹⁰ The Convention had agreed to vote on Friday, February 22, and when this day arrived Turner of Illinois moved that voting be postponed to Monday, February 25, on the grounds that delegates from Illinois, Ohio, and Indiana had not been heard and should have an opportunity to speak. ⁹¹ The motion was defeated. Action by the Convention was delayed for a day while the Conference debated whether to limit debate. Finally the motion of Backus of Ohio, that each delegate be allowed ten minutes, was accepted. ⁹² In the course of the argument on

85. *Ibid.*, 129-131.

86. *Ibid.*, 151.

87. *Ibid.*, 156; *New York Times*, February 7, 1861.

88. Chittenden, *Conference Convention*, 205.

89. *Ibid.*, 206-207.

90. *Ibid.*, 208.

91. *Ibid.*, 270-271.

92. *Ibid.*, 274-275.

SECTIONALISM IN THE PEACE CONVENTION OF 1861 81

this question, Guthrie declared that many would keep speaking until after March 4.⁹³ Chase and others led a determined movement to delay action. They resorted to many parliamentary delaying tactics if they did not actually filibuster. The Convention gradually talked itself out and began on February 23 serious consideration of the various majority and minority reports.⁹⁴ In general, the Convention sought to perfect each article of the constitutional amendments proposed by the majority report; however, various minority reports complicated the problem. From February 23 to February 27, heated debate occurred as each article was brought up for consideration with many substitutions for and amendments to suggested by the opponents of the articles. Finally, on February 27, the majority report with modifications was passed and sent to the Congress as proposed amendments to the Constitution.

The plan, less favorable to the South than the Crittenden Resolutions and not satisfactory to the radical Republicans, lacked the support of a homogeneous majority and went to Congress, where no action was taken.

93. *Ibid.*, 274.

94. Tyler, *op. cit.*, II, 601-602.

BOOK REVIEWS

The Territorial Papers of the United States, Volume XXV, *The Territory of Florida, 1834-1839*. Compiled and edited by Clarence Edwin Carter. (Washington, U. S. Government Printing Office, 1960. 790 pp. Index. \$6.00.)

No other territory of the United States produced as many papers as Florida did from 1821 to 1845; at least, no other has been allotted as many volumes in *The Territorial Papers of the United States*. The present volume is the fourth dealing with Florida Territory, yet it brings the series only to the close of 1839. The closest rival so far in this monumental set is Arkansas Territory with three volumes.

Volume XXV contains 500 documents, more or less (substantially fewer than the preceding ones), covering nearly everything which could possibly pertain to government. Nothing ties the documents together except that they all relate to Florida, hence the reader marvels that the editors are able to choose from among the mass of manuscripts what should go in and what be excluded. They are organized into Parts 8, 9, and 10 of the consecutive series of Florida; eight relating to the administration of Governor Eaton, 1834-1836; nine to the first administration of Governor Call, 1836-1839; and ten to the second administration of the same governor in 1839.

Although arranged chronologically in the book, the documents fall into several broad categories. Perhaps the largest one pertains to internal improvements. Concerning this, let anyone who thinks that the people of the territory were determined on principle not to rely on government for assistance read through this and previous volumes. Here appear numerous requests to the Federal Government to donate millions of dollars and equivalent numbers of acres of public lands to aid the development of roads, canals, and railroads.

Another conspicuous category has to do with the disposition of the public land and with land titles and survey in general. Citizens accused the public land agents of discrimination and of speculation while the agents retaliated by charging certain citi-

zens with having engrossed far more land than their patents allowed them.

Another category, less voluminous but of equal interest, pertains to banks. Here we see that the territory issued its own bonds to the value of \$640,000 and turned them over to the Union Bank of Tallahassee to give it starting capital (pp. 109-112). When the Panic of 1837 struck the nation, we find this bank - although it had stopped the payment of specie to the public - earning the commendation of the federal government by continuing to pay the deposits of the Post Office and Treasury departments in hard money (pp. 391-392). We find it petitioning to have its notes accepted for the public lands in lieu of specie, and the Treasury replying that this could not be allowed (pp. 607, 608). But when the full weight of the depression finally percolated into Florida the territory's bank currency fell into a more chaotic condition than that of any other section of the country. Finally, in regard to banks, we note an old Jacksonian, a hater of the "money power," writing to President Van Buren, "I have deprecated [*sic*] . . . the insidious encroachments of a Paper aristocracy" (p. 584). He represented a numerous body of Floridians who believed it was not right to use the Territory's resources to foster a private bank, however pressing the need for one.

Also important is the category concerning political subdivisions. Within this we find conflicts over the dividing of counties and judicial districts; but most important of all, papers on both sides of the issue of whether Florida ought to become one state or two.

In the opening volume of the series on Florida (Volume XXII), the editor made it clear that military actions against the Indians would be passed over as far as possible in selecting documents for printing. But during the years covered by Volume XXV, when the Seminole War began and waxed fierce, it became impossible to exclude a part of the story of that war. As a result, there are in the neighborhood of 140 items (about twenty per cent of the total) related to the Indian conflict. Most of them have been published elsewhere, but a significant number are new, at least to me. Some of them make it clear that the presence of Negroes with the Indians and the danger to slavery which the Indians constituted was a first-rank cause of the Seminole

War (see pp. 90, 91, 132, and 133). Otherwise the volume contains almost no papers relating to slavery.

Public documents are usually not distinguished for human interest, wit, and tragedy; but if the reader approaches this set with enough sophistication, and with historical imagination, he will find much more to them than might be expected. For example, he will find Joseph White, delegate to Congress from the territory, reporting his interview with Andrew Jackson concerning defense against the savages. "Let the damned cowards defend their country," White quoted the President as saying. Give him fifty women and he could whip every warrior who had crossed the Suwannee. There was more in the same vein (p. 378), but by that time it was too late to change the name of Jacksonville.

The vicissitudes of the governing element are of great interest. In December, 1834, Governor John H. Eaton, friend of Jackson and husband of Peggy, complained that every bureau office in Washington was allowed someone to clean the rooms, make fires, and so forth, but that these services were refused the governor of the territory (p. 57). Moreover, how could he sustain the dignity of the governorship when the governor's office had only "A few chairs, some stained desks and an old pine table . . . there are no curtains to the windows, no settees . . . and no carpet on the floor" (p. 158). In addition, if Secretary John P. DuVal's word is to be relied on, the pay was poor. DuVal said that whereas his salary was \$1,500, it cost him \$2,300 to maintain his family in a private boarding house (p. 444). Yet he continued to hold the appointment until Governor R. K. Call complained so often that DuVal was summering elsewhere, or for some other reason was not on duty, that the President removed him (pp. 392, 394, 519, 520, 616-618, 621, 649, 650).

Perhaps accidentally (because of the fact that the documents are arranged by the administrations of the governors) this volume ends on a dramatic note. On November 29, 1839, the Secretary of War, Joel R. Poinsett, asked for the removal of R. K. Call on the grounds that he and the Regular Army officers simply could not cooperate effectively to coerce the Seminoles. The last sentence in the documentary portion of the volume is that which Martin Van Buren endorsed on the back of Poinsett's re-

quest. "Let Govr. Call be superseded & Judge Reed appointed in his place" (p. 657).

In conclusion, one has to mention the index, not only because it occupies about one-fifth of the book, but because it is superb, a real working tool. Nothing appears to be left out.

JOHN K. MAHON

University of Florida

Archivo General de Indias de Sevilla, Guia del Visitante, By Jose Maria de la Pena y Camara. (Madrid, Direccion General de Archivos y Bibliotecas, 1958. 206 pp. Charts and illustrations. 65 pesetas.)

Perhaps it is too obvious to say that Florida was in the hands of the Spanish for 238 years. But it is not too obvious to state that in order to recreate accurately these nearly three centuries of Spanish rule Spanish documents must be used. Truly the amount of Spanish manuscripts dealing with Florida is overwhelming. Thanks to the efforts of the late John B. Stetson, Jr., Jeanette Thurber Connor, James A. Robertson, the ageless Irene A. Wright and Julien C. Yonge, plus the energetic Rembert W. Patrick, over 100,000 sheets of photostats dealing with early Florida from the archives in Seville have been gathered and are now located at the University of Florida.

The *Archivo de Indias de Sevilla* with its 38,903 *legajos* (bundles) of documents is the nearly exclusive reservoir of Spanish Florida history. The valuable Stetson Collection at the University of Florida has failed to exhaust all the Florida documents in the Seville archives. This haughty institution at Seville-the king of all archives-remains to many a place and source of mystery, fascination, and inspiration.

Jose Maria de la Pena y Camara, the forceful and helpful director of the Seville archives, has done an admirable service in publishing this condensed guide crammed with information. It is well written and well organized; a thoroughly adequate guide. Moreover, it sketches the history of the Seville archives and provides the reader with a truthful but sympathetic story of Seville and its great archival depository.

The archives are divided into sixteen sections. Pena y Camara clearly describes each section, providing the reader with the history, chronology, number of *legajos*, subdivisions, and a critical bibliography (unpublished or published guides) for each section or subdivision. In the geographical and historical vastness that is covered by this guide, it mentions Florida thirteen times. The number of Florida *legajos* is surprising. It shows that we have only scratched the surface in our Spanish Florida research.

The ponderous shadow of Seville will always hang over our early Florida historical investigations. This booklet which modestly claims to be a guide - but it is much more-is priced at sixty-five pesetas and should be in every Florida library.

CHARLES W. ARNADE

State University of Iowa

Marion Zaiser, The Beneficent Blaze: The Story of Major Lew D. Brown. (New York, Pageant Press, 1960. 347 pp. Plates. \$4.00.)

The principal purpose of a novel is to entertain, whereas a biography aims at informing. The good novelist follows the art rules of literature. The good biographer meticulously follows the strict rules of historical research and criticism. When these two forms are mixed, one or the other, or both, suffer in the process. The work under consideration attempts this mixture and suffers accordingly. It is neither a good novel nor a good biography. Your reviewer is chiefly interested in it as a biography.

The bibliography is not only not comprehensive, it is negligible, and there are only five footnotes which refer to sources used. In such circumstances the reader has no way of checking the accuracy of the material in the book. Furthermore, the serious student could use this book as a source only with extreme caution and advance warning to his audience.

The attempt to make fire the key to turning points in Major Brown's life, a theme running through his life, is very strained and unreal. Then to equate the early fires with his discovery of Florida's sun, *The Beneficent Blaze*, is, to say the least, limp.

It is not necessary that every biography be concerned with a

BOOK REVIEWS

87

great man. Nor is it good biography for the writer to try to make his subject great, as is done here, when the subject is not. If our biographer is accurate, Major Brown was a good and talented man. He was an important figure in the development of St. Petersburg and the west coast of Florida. As publisher and editor of the *St. Petersburg Independent*, he enthusiastically and judiciously set out to advertise and build this area.

Because of this importance it is most unfortunate that this work is so poorly written and so unreliable a source.

J. RYAN BEISER

University of Tampa

Prelude to Empire: Portugal Overseas before Henry the Navigator. By Bailey W. Diffie. (Lincoln, University of Nebraska Press, 1960. 127 pp. Index. Paper, \$1.95.)

The Age of Conquest which culminated in the discovery and settlement of America is always a fascinating and also important chapter in world history. And Florida's written history's beginning chapter is part of this Age of Conquest and is indeed quite a colorful episode. It is my contention that anyone interested in the whole sweep of Florida's past should also possess some information about the Age of Conquest. The bibliography of this period is extensive and perhaps too vast. Consequently, the average Florida student interested in history has little or confusing knowledge of this age in which Florida figures conspicuously. It was Portugal and not Spain that pioneered this Age of Conquest. It may be that Portuguese sailors were the first Europeans to see Florida!

The able Latin American historian from City College, Professor Bailey W. Diffie, has just published a most valuable paperback, most of which was written in Miami. In the book Diffie summarizes clearly and precisely the story of Portugal as it slowly but definitely emerged as the precursor, and then leader, of the Age of Exploration. In the early fifteenth century Portugal was the leader, with Henry the Navigator as the dominant figure. The splendid enterprise of Henry served as the key to Columbus' voyages. In turn, decades of navigation experience and adventures

of the Portuguese laid the basis for Henry's achievements. This is the crux of Diffie's book. The complexity of centuries of history is neatly explained. This paperback is a must for the introductory chapter of Spanish Florida history. Undergraduates, graduates, and professors will all enjoy this book. More such syntheses are needed.

CHARLES W. ARNADE

State University of Iowa

The Haskell Memoirs. By John Haskell. Edited by Gilbert E. Govan and James W. Livingood. (New York, G. P. Putnam's Sons, 1960. 176 pp. Selected bibliography, index. \$3.95.)

This is a fascinating document written by one of Lee's outstanding artillery officers, John Haskell. Unlike many authors of memoirs, Haskell recognized the greatest single failing of the autobiographer - "that it is practically impossible for one writing to avoid giving undue prominence to those fragments of the picture in which he took part." In his effort to avoid exaggeration Haskell sometimes minimized his own role, but the reader cannot escape the impression that Haskell was always trying to be fair. His writing is not only relatively objective, but it is also extremely realistic and exciting. Haskell could describe a battle in detail in such a way that the reader is transported to the battlefield. In a few deftly constructed sentences he brings his associates quickly to life. Moreover, he was extremely forthright in his judgment. His observations of people were keen and critical, and the opinions which were the result of his analysis were certainly strongly held.

This volume will be of great interest to the general reader, for it moves with the pace of an adventure novel. It will be of great interest to the student and teacher of history because of the many new insights it provides. All who are interested in the Civil War owe a debt of gratitude to Professors Govan and Livingood for resurrecting, editing, and publishing an extremely valuable piece of source material.

Unfortunately, in the opinion of this reviewer, this brilliant-written document is far too cluttered with scholarly para-

phernalia. In the first place, the footnotes are far too numerous, and many of them are unnecessary. Anyone who is at all familiar with Civil War history does not need long, explanatory notes on A. P. Hill, or Jubal Early, or Stonewall Jackson. Furthermore, a multitude of minor characters are carefully identified in the notes although the narrative does not require such identification. Frequently a single sentence has several such footnote references. Moreover, these notes are all placed in the back of the book and are thus not readily accessible. Anyone reading the *Memoirs*, and pausing every time he arrives at a number to turn to the back of the book and read carefully the long, appropriate footnote, is almost certain to miss the tremendous impact of the narrative. There is also a rather long appendix on the Haskell family which, though interesting, is only remotely connected with the *Memoirs* themselves. Both the appendix and the notes could easily have been combined with the Foreword into a ten-page introductory section without omitting much essential information. As a matter of fact, a reader completely ignorant concerning the Civil War could read this document with interest if notes, appendix, and foreword were omitted entirely. Also, the book would probably cost less.

BEN F. ROGERS

Jacksonville University

General John Glover and His Marblehead Mariners. By George Athan Billias. (New York, Henry Holt and Company, 1960. vii, 243 pp. Illustrations, maps, and index. \$5.50.)

This small volume will enlighten those who have been bemused by the Emanuel Leutze painting of Washington crossing the Delaware standing with his foot on the gunwale of a small craft. It is the first full-length biography of General John Glover, whose mariners ferried Washington across the Delaware in 1776 and aided in evacuating his troops from Long Island earlier the same year. The author cogently argues that the Delaware crossing and the Long Island evacuation were the most brilliant amphibious operations of the American Revolution. The book is also a biography of Glover's regiment.

The author was a military historian for the United States Air

Force from 1951 to 1954. He is a graduate of Bates College, Lewiston, Maine, and he completed his doctorate at Columbia University, evidently under Richard B. Morris. He is now an associate professor at the University of Maine.

The study has many of the earmarks of a doctoral thesis on a relatively obscure historical figure. The author follows the pattern of emphasizing the importance of his subject, but he has done so with commendable restraint. The work for example does not credit Glover with the evacuation off Rhode Island in 1778. Other historians have erroneously given him this honor. Nor does Billias gloss over Glover's grouching and exaggeration of his personal problems toward the end of the Revolution.

The most novel chapter in the book is "Pelham Bay: a Forgotten Battle" in which Glover is portrayed as an able land fighter whose delaying action against General Sir William Howe's landing at Pelham Bay off Long Island Sound prevented Washington's army from being surrounded.

The author notes that although Glover was not responsible for the evacuation of Rhode Island in 1778, he was a brigade commander at the Battle of Quaker Hill and prevented the Rhode Island retreat from becoming a riot. In this and other land engagements Glover is seen in a hitherto neglected role as an able land commander.

The major weakness of the book results from the lack of sources about Glover. Only some seventy-four Glover letters are cited, and the author's research indicates that no large body of Glover papers exists. The author admits, relative to Glover's pre-Revolutionary merchant marine activities, that he cannot in some cases be sure that his sources relate to his subject and not to another Glover. At times the reader gets only fleeting and disconnected glimpses of the subject, and at no time does he gain much understanding of Glover's personality.

This well-written book will be appreciated by specialists in the Revolutionary field.

EVANS C. JOHNSON

Stetson University

Railroads in Alabama Politics, 1875-1914. By James F. Doster. *University of Alabama Studies*, No. 12. (Tuscaloosa, University of Alabama Press, 1957. 231 pp. Maps, bibliography and index. \$4.00 paper, \$5.00 cloth.)

This work is primarily concerned with the political relations between the railroads of Alabama and the state governments of Alabama from 1877 to 1914. The work centers upon the period after 1906, when the state government, under the governorship of Braxton Bragg Comer, attempted to bring the various railroads of the state of Alabama under the control of the state. The crux of this attempt to place the railroads under state control was the state adoption of laws to reduce local railroad rates. That the attempt was somewhat unsuccessful was due to two men - Milton Hannibal Smith and a Judge Thomas Goode Jones. Smith was the president of the Louisville and Nashville Railroad Company and "a dauntless railroad champion." Jones was a judge of the federal court at Montgomery, Alabama, and granted to railroads injunctions to restrain the enforcement of the state laws enacted after 1906. The struggle between the state and the railroads ostensibly ended in 1914 with the defeat of Comer in the gubernatorial contest of that year. However, Comer and Smith continued their "bitter feud" until Smith's death in 1921, and, in the author's words, "Comer's assault on the railroad corporations was by no means futile, for it aroused the public and resulted in constructive legislation."

Although the author is somewhat categorical in several places in the work, the book is recommended to the reader interested in Southern history from the Reconstruction period to World War I. Whether the reader be interested in political history or in economic development in the South the work will prove of value. In addition, the bibliographical data is voluminous and should be particularly useful for those who will want to utilize sources in Alabama history as well as secondary materials. There are also nine maps of railroad systems in the South which will enable the reader to understand better and keep up with the text.

This work is further recommended to those readers interested in Florida history. Conceding that the work is concerned with Alabama history and bears no direct relation to the history of Florida, this reviewer does think that what occurs in one state

will affect neighboring states as well. An understanding of the history of Alabama during the period 1875 to 1914, especially the development of railroads within the state after the Civil War, should help to make Florida history more intelligible.

HENRY S. MARKS

University of Alabama

THE EDITOR'S CORNER

Mr. James Willard Milgram of 216 Columbia Heights, Brooklyn 1, New York, had an interesting cover and letter in a recent issue of the *Weekly Philatelic Gossip*. With the permission of that publication, a condensation of his article with the letter is reproduced for our readers:

A FLORIDA COVER UNDER AMERICAN OCCUPATION
OF SPANISH TERRITORY

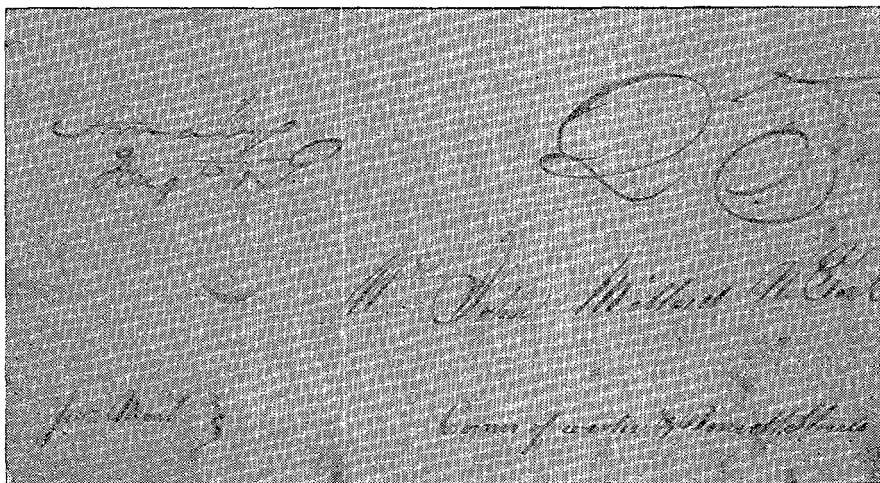
Every so often a collector will own an item for a while and will only appreciate its full significance when he looks at it from a different angle. The letter described herein is a very nice piece with a most interesting historical background discovered only by reading in the Columbia University Libraries.

It is a letter written from Fernandina, Florida in July, 1818. Up to the present time there were no known covers with postmarks until after the transfer of Florida from Spain to the United States, the earliest cover was mailed in September, 1821. To understand the usage, it is necessary to examine the town's history, which is very colorful.

Fernandina is the main town on Amelia Island, an island which lies in the Atlantic Ocean at the northernmost part of Florida. North of the Island the St. Mary's River flows out into the Atlantic at St. Mary's, Ga. An 1821 writer described the river which formed the northern boundary of East Florida at the time. It was navigable for 60 miles by vessels up to 160 tons. The military post of Trader's Hill or Fort Alert, 40 miles up the river, had acted since its establishment in 1812 as a barrier to Indian penetration into Georgia as well as a check upon the smugglers trading between the Americans and the Spanish. South of the island the Nassau River also issues out to the ocean. Two channels from these rivers cut off the island from the mainland. The upper channel forms an excellent harbor, and it is here that the town is situated.

Because of the nautical considerations of Fernandina, it had been used occasionally as a harbor since early Spanish occupation of Florida. Its location had been the site of a Spanish mission

during the 16th and 17th centuries. After the reoccupation of Florida by Spain in 1784 few of the former inhabitants returned, and Fernandina before 1808 consisted of a few huts and was noted only for wells dug by the English to procure fresh water for their ships.



But beginning with 1808, because of Jefferson's Embargo Act, Fernandina became a thriving port with more business than even St. Augustine. The reason was that from it, merchants had easy access to the states and smuggling became a most profitable business. At one time it was stated that there were more than 150 ships in the harbor.

Even after the embargo the town was active, and in 1812 a garrison of ten men led by Captain Jose Lopez held the fort. The American groups allied themselves; by using the Patriots as a front, the government, as represented by Mathews, interceded. Commodore Campbell with nine gunboats entered the harbor under the pretense of protecting American interests. The gunboats drew up in a line before the fort, and the Patriots disembarked and demanded a surrender. Lopez had no choice and capitulated on May 17, 1812. In the articles signed by Lopez and McIntosh (note that it was McIntosh and not Mathews that signed) were provisions for keeping the harbor open as a free port and even in the event of actual war between the United

States and Great Britain, the harbor was to be open to British vessels until May 1, 1813.

This capture of Fernandina was just intended to be the first step in the entire conquest of Florida (for those who would like to go into this in great detail see *Florida Fiasco* by R. W. Patrick). Ashley next marched on St. Augustine picking up some regular troops on the way. He was prevented from taking the town because the Indians helped the Spanish since they disliked American settlers in general because the Americans stole their cattle, and Matthews and McIntosh in particular, who told them to return to their camps and leave white men alone. There was a counter attack by a gunboat and Spanish Negroes in which several Americans including soldiers were killed.

After the close of the War of 1812 the Spanish garrisons at the principal forts of St. Augustine, Pensacola, Fernandina and St. Marks were weak, and the region between St. John's and St. Mary's, which was the home of most of the Patriots, was virtually without any kind of government.

In Fernandina at this time the population was perhaps 600 and a lot of money was circulating as usual because of the smuggling. The place was a perfect haven for pirates and attempts to enforce the laws were ineffectual, which led many political adventurers to go to Fernandina at this time.

On December 23, 1817, Maj. James Bankhead with some soldiers and Captain J. D. Henley with a naval squadron of six boats occupied Fernandina. Bankhead and Henley found they had a real job to clean up Fernandina. Some one described the population as "British adventurers of the Woodbine and Ambrister type; Irish and French refugees; Scotch enthusiasts; Mexican and Spanish patriots; several of Lafitte's Baratarian band; . . . the original inhabitants of Fernandina, and large numbers of privatersmen, slaves and seafaring scoundrels." It was held by the Americans until January 1, 1820, when it was returned to the Spaniards. Forbes described it in 1821 as a town of 40 houses all of wood, six streets, a small fort with eight guns, and 150 inhabitants all except the planters, who were out of the town, extremely impoverished.

After this brief survey one can better appreciate the letter of which an exact copy follows:

Fernandina, Amelia Island

July 29, 1818

Dear Brother I now write to inform you that I am in verely good Health-and that I have made up my mind to stay in the Cuntry Six Months You perhaps may think me Fickelminded I know I wrote you a shorte time since by mail that I should Leave here and come to New York-but since that I have bin up the Nassaw River to the Mill, and all tho it is a dredful Looking place I have concluded to go theire for Three Months my agreement is to Stay on this Island in Mr. Setons Store untill the First of October and then go to the Mill and Stay on till the First January and then I am at Liberty to go where I please. my Pay is Twenty Five Dollars pr Month. the people are considerably alarmed aboute the Indians up the Nassaw, but I went to bed with my Gun and Pistel with in reach and Slept verely Sound. Nassaw River runs verely Crooked, with Large Marshes on each Side from one to Three Mildes wide. all tho the Mill is in the woods, I could see off one way acrost the Marsh at least Six Mildes. I saw a number of Aligaters up the River but did not Shoote any. I had one verely good chance but my Gun Flashed Twice so I was obliged to be contented with Shooting some Large birds along the Shore.

I was Three days up the River Rowed by Foure Large Negroes. This place is famus for Pirets. theire has bin at least Three or Foure Vesels Took since I have bin here. wether they are Fitted out neare here I can not Say at all events they come here to Smugel in theire Goods. theire is on Vesel off the bar now that is sunk in aboute Six Fathem Warter. they have Foure men in Custody that was on board of her. They came to St. Maryes and reported that the Vesel was Struck by a white squall and upset and that the Captain and mate were Wounded and that they were Pasengers and Owned the Cargo one of the Mens Name is Dexter the others I do not Know I saw the Affidavid that Mr. Dexter made which is as above Stated. but now it is reported that the Captin and mate were both Murderd. it will not be ascertained untill they get her up which will be soon. their has bin a number or Trunks of Goods found Secreted in different directions along Shore. The troops here are Healthy except Fever and ague. they perade Twice a day. they have a band of Musick which plays

every eavning untill Nine oclock which makes it verey pleasent here.

I wrote you in my last Letter by Mail that You must not write untill you heard from me-for that ocason I have write you as soon as posible, for I want to here from you verey Mutch I had some Idea of enclozing some Money to you for to get me some few Articles but I concluded it mighte not go safe therefore I did no do it if You have the Money to Spare I wis you would buy me Two white Mersailes Nes [?] of prety good quality. . . .Also one pr of Shoes let them be made at the Shop where I got one pr. you will let them mesur your foot I think youre foot and mine bout of aseise do not buy these artcils untill you have a chance of sending them. send the Bill and I will send you the Money first oppertunity if Capt. Done Brig - Porter has left their I think you will have an oppertunity by the schooner Madison Cpt. Sawyer do not fail to write as soon as you receive this and let Farther know that I have concluded to stay here so that he may write direct yours Letters to me to the Care of Robert R. Henry St. Maryes. I under stand by de papers you have had warmer wether with you than wee have had here. the Thermomerter has not bin higher than Ninety Seven here except once and then 99 Wee have warter mellons verey plenty her some peatches but not verey good I frequently here of Murders and Swindlers here or at no grate dstance The people here play Bileards Fiddle and dance on Sunday as much as any other day. I heard of Mr. Lezers Son Plexer he was clerk in the Hospittal under the Patriots but he since enlisted in to the United States Service and then Run away. business is verey dull at present wee do not average in the Store Ten Dollars a day which makes my work verey Little. give my Love to Farther and all my Brothers and Sisters and Likwis all enquiring Friends This from youre affectionate Brother

Ch Millard Jr. [?]

John Millard

There are many interesting features in this letter. Most of the common trademarks of Florida are mentioned, such as alligators, Indians, swamps, pirates, fruit, and even the weather. What strikes me most is that the historians who assume that

every thing was changed after the Americans occupied the town are not correct. Mr. Millard described the presence of the pirates and mentioned that murders and other crimes were frequent. I think the mill referred to is the sugar mill, the ruins of which still stand today.

What has also come out is that obviously there was a provisional type of postal system. After the Americans seized the town, the Spanish post office in Fernandina could not have existed any longer, and people could not have sent letters from other places in Florida to Fernandina because there could have been no possible agreement concerning a postal treaty since one party was in possession illegally. Therefore, an arrangement was made by which all letters were sent to St. Mary's, Georgia, which was the closest point in *bona fide* U. S. territory. Perhaps Robert R. Henry, who is mentioned, forwarded all the letters addressed to the inhabitants of Fernandina. Letters were also dispatched by means of private ships. This letter was carried to St. Mary's and was placed in the post office at that town. Since the letter was written July 29th and postmarked August 1st, there was evidently quite frequent communication with the mainland. The distance from Fernandina to St. Mary's is only eight miles by water. The 25 cents paid the rate under the Act of 1816 for over 400 miles to New York City.

If any of the readers of this article wish to correspond, I should like to hear from them.

* * * * *

In the April, 1961, number of the *Quarterly* (Vol. XXXIX, No. 4, pp. 390-92,) Dr. Charles W. Arnade had a review of Mr. Warren Hager Wilkinson's, *Opening the Case Against the U. S. De Soto Commission's Report, and other De Soto Papers*. . . . The following are Mr. Wilkinson's and Dr. Arnade's replies. The editor has made no changes in the letters as submitted, but he has deleted a section from Mr. Wilkinson's letter. The deleted section pertained to an offer whereby individuals interested in Mr. Wilkinson's work could obtain it without cost or for little cost. Those who are interested should write directly to Mr. Wilkinson.

Mr. Editor:

I placed the purported "review" of my book you published

last April, minus heading and signature, before two metropolitan newspaper editors who have handled many hundreds of reviews.

To my question, "Is expectancy justifiable that a review convey to the public the nature of the treated book's content?" Both answered, "Certainly."

Each was asked to read the alleged "review" and state if it conveyed any real nature of some book. Both replied, "No."

One remarked, "What's your book about? Seems the guy who did this was running scared from some controversy about De Soto's landing. Who is he?"

I replied that, having read that article he knew as much about him as I. The controversy was about De Soto's entire route -he whittled it down to his capacity and designs. (Except to those defeated the Florida controversy is ended.) Apparently he was a "bonafide historian of Spanish Florida" but seemingly doesn't practice it at all since he's interested in other than "historical minutiae" of a "glorious chapter in American history." (Contemporary scholars divulge it was actually bestiality unlimited which he glorified: Girls and women hunted; raped upon capture; dogs given live humans for food; continuous murder, tortures and maimings; 'gifts' of women forced from cowed tribes for slave concubines; etc!) He felt them "unimportant" and had "no feeling for the whole matter" being "completely removed." He was not "convinced" by exposures of forensic fraudulence employed by a report that its claims were baseless. He chose weapons -"brutally frank words"-yet screamed "violence" when others used them.

He was, seemingly, one of many historians who had remained hoaxed for a score of years by that public report (rejected by many archaeologists) he dubbed "famous" though my book showed it "infamous." He dodges the study which indubitably would compel him to descend from his aloofness act, to pronounce courageously his verdict in a Spanish historical matter.

What was my book about? Two Papers were exposures of worthlessness, sophism, erroneous translation, quoted definition ditched, warping and dodging of true facts in Florida Historical Quarterly articles. (Vol. XVI, No. 3, January, 1938, pp. 149-173; Vol. XXX, No. 4, April, 1952, pp. 311-316.) Your Reviewer avoided giving such information to keep readers unaware of one-sidedness?

Two other Papers exposed the report - U. S. De Soto Commission's Report - by quoting its pages to prove truths were stated one place and the opposite elsewhere. Among deceitful (and worse) inferences and statements: One day the wind blew opposite directions at the same time; De Soto's army built a bridge in dry weather to cross a wet weather stream bed; his armada was represented as entering a bay but another sentence said it couldn't; fake deductions were made from a premise self-acknowledged worthless. All this was messed with "scientific" confusion to outwit readers seemingly by a "trained scholar" vanity "bribed" -your Reviewer asserted such had been "bribed."

Another Paper informed historians, specially of Spanish Florida, (overlooked by most for a century) how De Soto victimized his men with conscienceless trickery. Did your Reviewer skip this to save face?

Among other Papers one gave, "A Sketch Of Hernando de Soto's True Route In Present Florida." (With maps.)

I asked both editors if all such was properly mentionable. Both said, "Yes."

The second, who knew my book (pronounced it a crushing ending of the Florida controversy) opined that such had been crowded out by minimizing "cover-ups" concerning matters may-be embarrassing to your Reviewer and, by his defense-mechanism attacks.

Thanks for past friendliness and anticipated unbiased official attitude.

Warren K. Wilkinson,

1224 S. 1st St., Jacksonville Beach, Florida.

Academic custom gives (or demands from) the reviewer the right to answer the author's objections to a review of his book. With all frankness I do not understand Mr. Wilkinson's whole set of ideas and motivations. I think that Mr. Wilkinson's presentations are confusing and quite biased, and where is his documentation? But I am most happy that Mr. Wilkinson has achieved the long-sought goal of every scholar: to have come to a definite end because there is nothing else for him to do, since what he has said is the final truth. I rejoice with Mr. Wilkinson over this happy status of his. I wish him a delightful good-bye.

Charles W. Arnade
State University of Iowa

CONTRIBUTORS

CHARLES W. ARNADE is a member of the University of Florida Faculty, but is on leave and serving as Associate Professor of History at the State University of Iowa.

THEODORE PRATT of Delray Beach is one of Florida's outstanding novelists and essayists.

JAMES HUTCHINSON of Salerno is an artist who contributed the original ink drawing of Zora Neale Hurston which accompanies the article by Mr. Pratt.

JAMES W. COVINGTON is Professor of History at the University of Tampa.

JESSE L. KEENE is Professor of History at the University of Tampa.

